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Circular No. 1471

GRAZING LEASE FORM AMENDED

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Obsolete by Circ. 1807

The form of grazing lease, Form 4-722, prescribed by Circular No. 1401, dated April 30, 1937, as amended by Circular No. 1442, dated January 19, 1938, and by Circular No. 1469, dated April 17, 1940, Section 160.30 C.F.R., is hereby amended by adding thereto the following paragraphs:

(k) The lessee shall be entitled to the same privileges and protection with respect to hunting and fishing upon the leasehold as may be provided by the State laws with respect to hunting and fishing on private property.

(l) It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent or employee of the Department of the Interior, other than members of the district advisory boards, appointed in accordance with section 18 of the Taylor Grazing Act, which was added by the act of July 14, 1939, Public No. 173, shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and that the provisions of section 3741 of the Revised Statutes and sections 114, 115, and 116 of the Criminal Code, approved March 4, 1909 (35 Stat. 1109), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 7, 1940.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circ. # 1471

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Circular 1473

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITE OF BOULDER, UTAH

RECEIVED
U.S. LAND OFFICE
BILLINGS, MONT.
Date JUL 12 1940
Hour

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 1, 1940.

1. Statutory Authority. The lots in the town site of Boulder, Utah, will be disposed of under Sections 2382 to 2386, Revised Statutes. The town site plat was accepted November 28, 1938.

2. Acreage and Price. The acreage and minimum price of the lots which will be sold are as follows:

Lot	Area	Appraisal	Lot	Area	Appraisal
1	3.97	$24.00	22	2.50	$18.00
2	2.42	32.00	23	0.94	27.60
3	2.46	22.00	24	2.96	55.40
4	2.51	18.00	25	2.50	32.00
5	2.53	18.00	26	2.50	17.00
6	2.50	27.00	27	2.49	17.00
7	2.13	22.00	28	2.50	46.00
8	3.34	33.00	29	2.96	59.10
9	3.35	42.00	30	1.57	40.50
10	2.13	40.30	31	1.57	30.20
11	2.50	36.00	32	1.57	42.05
12	2.53	18.00	33	2.96	65.50
13	2.52	15.00	34	2.50	46.00
14	2.50	23.00	35	2.49	18.00
15	2.13	31.00	36	1.84	26.00
16	3.06	32.00	37	1.88	36.50
17	0.93	26.60	38	1.52	41.00
19	2.50	18.00	39	1.93	36.45
20	2.51	15.00	40	1.02	20.40
21	2.51	15.00	41	1.02	30.50
			42	1.03	21.95

3. Public Sale. On Thursday, October 3, 1940, at 10:00 a.m., a sale at public auction to the highest bidder will be held at the town site of all lots for which preemption proof has not been made, as provided for hereinafter. The sale will be conducted from day to day under the supervision of the Commissioner of the General Land Office or his representative until all the lots shall be offered. The lots will be sold for cash and paid for on the date of sale. No lot will be sold for less than the appraised price.

Circ. #1473

4. Preemption Claims. Any person who has established settlement on any lot prior to September 5, 1935, the date of the commencement of the survey in the field, and maintained such settlement to the date of proof, is entitled to make a preemption entry for such lot and one other lot on which he has made substantial and permanent improvements, at the minimum price. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequently to accrual of the right, but patent, if issued, will be in the name of the settler and not to the transferee.

The notice of intention to make preemption proof must be made on Form 4-348 and should give the date of settlement and the value and character of the improvements, and, in order that all bona fide preemption rights may be determined prior to the date of public sale, claimants should file their notices of intention in time to submit proof in advance of the sale.

On the filing of the notice of intention by the applicant, the Register will issue notice for publication, which the applicant must have published at his expense in four consecutive issues prior to the date set for the proof, in the "GARFIELD COUNTY NEWS", a weekly newspaper published at Panguitch, Utah. Proof consisting of the affidavit of the applicant and of at least two of the advertised witnesses may be made before the Register of the District Land Office at Salt Lake City, Utah, or before any other officer authorized to take proofs under the homestead laws, and must show the claimant's age, his citizenship, and his actual residence upon one lot, and substantial improvements on a second lot, where two lots are included in the application. Proof of publication must be shown by the affidavit of the publisher. The purchase price of the lot or lots must be paid to the Register when the proof is made.

5. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code of the United States.

6. Authority of Superintendent. The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots, and, after all lots have been offered, he will not close the sale but suspend the same and make recommendation to this office as to whether the suspension should be continued or the sale closed. In the event the sale should be closed the unsold lots will then be subject to private sale at the appraised price.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: July 1, 1940.

(Sgd) W. C. Mendenhall,

Acting Assistant Secretary.

1473

107480

Parts of Circ. 1474 still in effect - 5/28/54 GB

Circular No. 1474

PRELIMINARY CONSIDERATION OF APPLICATIONS
BY THE GENERAL LAND OFFICE

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Circ. 1843, 1844 & Circ. 1845

In order to avoid the procurement of unnecessary reports respecting applications to enter or select lands under the nonmineral public land laws, and otherwise to facilitate action on such applications, the following regulation is adopted:

Sec. 101.19 Action on applications; reports. ~~Commencing 60 days after the effective date hereof, the originals and copies of all applications to enter or select public lands outside of Alaska, under the nonmineral public land laws, will be transmitted by the registers to the General Land Office for preliminary consideration.~~ Revoked by Circ. 1712 If, upon examination of the applications by the General Land Office, it appears that any of the lands involved are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations. All regulations of the General Land Office which are in conflict with this procedure are hereby amended so as to conform thereto.

Codified regulations amended. There is appended a list of the regulations in Title 43, Chapter I, of the Code of Federal Regulations which are affected by the procedure prescribed by section 101.19. There also is appended the text of such regulations, amended so as to conform to such procedure. These regulations, as amended, are hereby approved.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: July 8, 1940.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

(Section 101.19 is issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.)

LIST OF CODIFIED REGULATIONS AMENDED TO INCLUDE NEW PROCEDURE

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EXCHANGES OF PRIVATELY OWNED LANDS, UNDER TAYLOR GRAZING ACT

C.F.R.	Par.	Circ.	Date	I.D.
146.3	2	1408	September 3, 1936	55-614
146.9	8	do	do	55-618

Circ. 1474 Obsolete - See Circ. 1814

EXCHANGES BY STATES, UNDER TAYLOR GRAZING ACT

				I.D.
147.5		1436a	May 23, 1938	
147.6		do	do	
147.13	9	1398	July 22, 1936	55-588

Circ. 1474 Obsolete See Circ. 1845

55-588 - Obsolete "

EXCHANGES TO ELIMINATE PRIVATE HOLDINGS WITHIN GLACIER NATIONAL PARK

			L.D.
150.3	890	April 23, 1923	49-537
150.4	do	do	49-537
150.6	do	do	49-538

Circ. 1474 Still in effect 6/1/54

EXCHANGES TO ELIMINATE PRIVATE HOLDINGS WITHIN BRYCE CANYON AND ZION NATIONAL PARKS

			L.D.
150.9	964	November 10, 1924	50-663
150.10	do	do	50-663
150.12	do	do	50-664

Circ. 1474 Still in effect 6/1/54

EXCHANGES FOR THE BENEFIT OF THE STATES OF NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON

				I.D.
152.9	8	1276	June 27, 1932	53-711
152.10	9	do	do	53-711
152.11	10	do	do	53-711

Circ. 1474 Still in effect 6/1/54

SECOND HOMESTEAD ENTRY BY PERSON WHOSE FORMER ENTRY WAS LOST, FORFEITED OR ABANDONED

C.F.R.	Par.	Circ.	Date	I.D.
166.87		1308	August 5, 1933	54-269

Circ. 1474 Still in effect 6/1/54 AB

DESERT-LAND ENTRIES

				I.D.
232.6	5	474	December 18, 1928	
232.6		1308	August 5, 1933	54-269
232.7		do	do	54-269
232.10	8	474	December 18, 1928	
232.15	13	do	do	

Absolete See Circ 1843

PUBLIC SALES

				I.D.
250.6	5	684	November 23, 1934	55-78
250.6		1376	January 23, 1936	
250.22	20	684	November 23, 1934	55-82

Absolete See Circ 1860

TIMBER AND STONE ENTRIES

				L.D.
285.7	6	851	February 25, 1926	51-367
285.9	8	do	do	51-367
285.11	10	do	do	51-368
285.13	12	do	do	51-368
285.14	13	do	do	51-369
285.15	14	do	do	51-369
285.16	15	do	do	51-369
285.17	17	do	do	51-370
285.18	18	do	do	51-370

Circ 1474 Still in effect 6/1/54 AB

CLASSIFICATION AND ENTRY OF LANDS AFFECTED BY GENERAL ORDERS OF WITHDRAWAL, OR WITHIN A GRAZING DISTRICT

				I.D.
296.5	4	1353b	June 29, 1937	56-468
296.6	5	do	do	56-469

Absolete See Circ 1718

CODIFIED REGULATIONS
AMENDED TO INCLUDE NEW PROCEDURE Obsolete - See Circ. 1814

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PART 146 - EXCHANGES OF
PRIVATELY-OWNED LANDS, UNDER TAYLOR GRAZING ACT

See Circ 1408 & 1513

146.3 (2) Action on application; reports. If the application for exchange appears regular and in conformity with the law and the regulations, the register will assign a serial number thereto, and after appropriate notations have been made upon the records of the district land office, will transmit the original and duplicates of the application to the General Land Office, for preliminary consideration, together with a report, in duplicate, as to any conflicts of record. If, upon examination of the application, it appears that any of the lands involved (either offered or selected) are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The report by the Director of Grazing, will include information as to whether there are any watering places of public value on any of the selected lands.

The Director of Investigations, if requested, will report to the General Land Office as to the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by another; whether the selected lands contain minerals, timber, springs, water holes, or hot or medicinal springs; whether any proposed reservation by the applicant in the offered lands will affect the equality of the values; whether there are any reasons why the exchange should not be consummated; and such facts as will aid in determination of whether the proposed exchange is in the public interests.

146.9 Paragraph 2; (8) Subparagraph 2. Should information available to the General Land Office or the report from the Director of Investigations, if requested, disclose inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to adjust matters so as to bring the exchange within the provisions of the law.

(Sections 146.3 and 146.9 are issued under the authority contained in sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.)

If lands are in 2 different Graz. Dist's, send appln to G.L.O. special. See memo of 11/8/44

107480

PART 147 - EXCHANGES BY STATES,
UNDER TAYLOR GRAZING ACT

Obsolete - see circ. 1845

147.5 Action by Register. If the application for exchange appears regular and in conformity with the law and the regulations, the register will assign a serial number thereto, and after appropriate notations have been made upon the records of the district land office, will transmit the original and duplicates of the application to the General Land Office for preliminary consideration, together with a report, in duplicate, as to any conflicts of record.

The lands included in the application will be segregated upon the records of the district land office and General Land Office, and will not be subject to other appropriation, application, selection, or filing.

147.6 Action by General Land Office; reports. If, upon examination of the application by the General Land Office, it appears that any of the lands involved (either offered or selected) are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The report by the Director of Grazing will include information as to whether there are any watering places of public value on any of the selected lands.

When an application for exchange is based on equal values, the Director of Investigations, if requested, will report to the General Land Office as to the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by anyone adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; and whether any proposed reservation by the State in the offered lands will affect the equality of the values.

When an application for exchange is based upon equal areas, the Director of Investigations, if requested, will report as to the character of the selected lands and as to mineral, springs or water holes thereon.

147.13 Paragraphs 2 and 3; (9) Subparagraphs 2 and 3. Should information available to the General Land Office or the report from the Director of Investigations disclose inequalities of value, the Commissioner of the General Land Office will advise the State and afford it opportunity for adjustment so as to bring the exchange within the provisions of the law.

In the case of an equal area exchange, should information available to the General Land Office, or the report of the Division of Investigations, show that the selected lands are mineral in character, the State will be required to file its consent to the reservation to the United States of all minerals in such lands. In making exchanges based upon equal areas, when the offered lands are mineral in character and the State holds title thereto, the State may, if desired, reserve the mineral rights in such offered lands in accordance with the provisions of paragraph 2 of subsection (c) of section 8 of the Taylor Grazing Act, as amended.

(Sections 147.5, 147.6 and 147.13 are issued under the authority contained in sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.)

Still in effect 6/1/54 AB

107480

EXCHANGES TO ELIMINATE PRIVATE HOLDINGS WITHIN GLACIER NATIONAL PARK, MONTANA.

150.3 Action on application; joint field examination and report. If a selection appears regular and in conformity with the law and regulations, the application will be referred by the register to the Commissioner of the General Land Office for preliminary consideration. If, upon examination of the application in the General Land Office, it appears that any of the lands involved are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The Division of Investigations, if requested, will have a field examination and report made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the Act of February 28, 1923, with reference to their character as mineral, prairie, grazing, agricultural, timber, desert land or otherwise, as the case may be, and as to springs or water holes thereon, if any. When such report is requested, a representative of the Division of Investigations will cooperate with a representative of the Superintendent of the Glacier National Park in the examination and valuation of the base lands within the Glacier National Park. Should the report of the Division of Investigations show curable defects, the General Land Office will give the applicant an opportunity to amend his application, if possible, so as to cure the defects.

150.4 Publication and Posting. If the report of the Division of Investigations is favorable and the selection appears regular and in conformity with the law and regulations, the General Land Office will direct the register to notify the applicant and require him, within 30 days from receipt of notice, to begin publication of notice of his application in accordance with Section 148.8 (Paragraph 7, Circular No. 863b, 56 I.D. 574), and in due time to submit proof thereof. The notice must be posted in the district land office during the entire period of publication and the posting must be certified to by the register.

150.6 Recommendation by General Land Office; action by Secretary. The proof of publication and posting will be transmitted by the register to the General Land Office, by special letter. If found satisfactory, and in the absence of protests or other objections, the selection will be transmitted by the General Land Office to the Secretary of the Interior with appropriate recommendation.

If the Secretary decides that the application should be allowed, the applicant will be requred to have his relinquishment recorded in the manner prescribed by the laws of the State of Montana and to have the abstract of title extended down to and including the date the deed of relinquishment or conveyance was recorded.

If the Secretary be of the opinion that further evidence as to value and character of land involved is necessary, he may institute such inquiry as he may deem advisable.

The Secretary in the exercise of his discretion, may withhold his approval from any application made under the provisions of the Act of February 28, 1923, although the applicant may have complied with the rules and regulations applicable thereto.

(Sections 150.3, 150.4 and 150.6 are issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.)

still in effect 8/1/54 AB

107480

EXCHANGES TO ELIMINATE PRIVATE HOLDINGS WITHIN BRYCE CANYON AND ZION NATIONAL PARKS, UTAH

150.9 Action on application; joint field examination and report. If a selection appears regular and in conformity with the law and regulations the application will be referred by the register to the Commissioner of the General Land Office for preliminary consideration. If, upon examination of the application by the General Land Office, it appears that any of the lands involved are within any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. Should it appear necessary, an appropriate report will be requested from the Division of Investigations.

The Division of Investigations, if requested, will have a field examination and report made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the Act of June 7, 1924, with reference to their character as mineral, prairie, grazing, agricultural, timber, desert land or otherwise, as the case may be, and as to springs or water holes thereon, if any. When such a report is requested, a representative of the Division of Investigations will cooperate with a representative of the Superintendent of the Bryce Canyon National Park and the Zion National Park in the examination and valuation of the base lands within such national parks. Should the report of the Division of Investigations show curable defects, the General Land Office will give the applicant an opportunity to amend his application, if possible, so as to cure the defects.

150.10 Publication and Posting. If the report of the Division of Investigations is favorable and the selection appears regular and in conformity with the law and regulations, the Commissioner of the General Land Office will direct the register to notify the applicant and require him, within 30 days from receipt of notice, to begin publication of notice of his application in accordance with Section 148.8 (Paragraph 7, Circular No. 863b, 56 I.D. 574), and in due time to submit proof thereof. The notice must be posted in the district land office during the entire period of publication and the posting must be certified to by the register.

150.12 Recommendation by General Land Office; action by Secretary. The proof of publication and posting will be transmitted by the register to the General Land Office, by special letter. If found satisfactory, and in the absence of protests or other objections, the selection will be transmitted by the General Land Office to the Secretary of the Interior with appropriate recommendation.

If the Secretary decides that the application should be allowed, the applicant will be required to have his relinquishment recorded in the manner prescribed by the laws of the State of Utah and to have the abstract of title extended down to and including the date the deed or relinquishment or conveyance was recorded.

If the Secretary be of the opinion that further evidence as to value and character of land involved is necessary, he may institute such inquiry as he may deem advisable.

The Secretary in the exercise of his discretion, may withhold his approval from any application made under the provisions of the Act of June 7, 1924, although the applicant may have complied with the rules and regulations applicable thereto.

(Sections 150.9, 150.10 and 150.12 are issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.)

still in effect 6/1/54

PART 152

EXCHANGES FOR THE BENEFIT OF THE STATES OF NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON

152.9 (8) Action on application; reports. If the selection appears regular and in conformity with the law and regulations, the register will assign a serial number to the application and refer it to the Commissioner of the General Land Office, for preliminary consideration. If, upon examination of the application by the General Land Office, it appears that any of the lands involved (either offered or selected) are a part of any grazing district, a copy of the application will be furnished the Grazing Service and that agency requested to submit an appropriate report. If it appears necessary, an appropriate report will be requested from the Division of Investigations.

The Division of Investigations, if requested, will have a field examination made of both the selected and the base lands to determine whether or not their value is equal within the meaning of the Act of May 7, 1932, to determine the character of the selected land as to minerals, and to determine whether or not the selected land has value for springs or water holes withdrawn in Public Water Reserve No. 107, or by E. O. 5389, of July 7, 1930.

152.10 (9) Publication and Posting; return of deed for recording and abstract for completion; approval of selection. If the report of the Division of Investigations is favorable, the Commissioner, in the absence of objection, will authorize the acceptance of the selection, and direct the register to prepare notice for publication of the selected land, in accordance with Section 270.10 (Paragraph 10, regulations of June 23, 1910, 39 L. D. 40). The notice must be posted in the district land office during the entire period of publication and the posting must be certified to by the register. If, upon receipt in the General Land Office of proof of publication and posting without protest or contest, and upon examination of the report of the Division of Investigations and other records in the General Land Office pertaining to the lands involved in the exchange sought, it is considered that the State is entitled to such exchange, the deed will be returned to the State for recordation and transmittal to the General Land Office, and where abstract of title was required, such abstract will be returned to be brought down to show the title in the United States, free from all liens and encumbrances, including tax liens. Upon the return of the recorded deed and satisfactory abstract of title, the selections will be embraced in a clear list and transmitted to the Secretary with recommendation for approval, in the absence of objection, with a view to the certification to the State of the selected lands.

152.11 (10) Amendment of application. Should the report of the Division of Investigations be adverse to the State, opportunity will be given the State to amend the application or to make such showing as may be desired. Notice of additional requirements, rejection, or other adverse action, will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed by the rules of practice, Part 221.

(Sections 152.9, 152.10 and 152.11 are issued under the authority contained in R. S. 453, 2478; 43 U.S.C. 2, 1201.)

PART 166

SECOND ENTRY BY PERSON WHOSE FORMER ENTRY WAS LOST, FORFEITED, OR ABANDONED

Still in effect 6/1/54 BB

166.87 Application to be forwarded to the General Land Office. An application for homestead entry, accompanied by a petition for classification and opening of the lands to entry under the homestead laws and a showing for second entry on Form 4-007c, will be transmitted by the register to the Commissioner of the General Land Office for preliminary consideration. If upon consideration of the application, petition, and second entry showing it appears that a report as to the applicant's qualifications to make second homestead entry should be secured from the Division of Investigations, such report will be requested. If any other report is required from that Division or other agency, as to the application or petition, such report will be requested at the same time.

(Section 166.87 is issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.)

Obsolete — See Circ. 1843

107480

PART 232 - DESERT-LAND ENTRIES

Section 232.6 of the Code of Federal Regulations, relating to second desert-land entries, based on paragraph 5 of Circular No. 474, December 18, 1928, and Circular No. 1308, August 5, 1933 (54 I.D. 269), provides in part:

> "Applications to make second entry must not be allowed by the registers, but must be forwarded by them, with appropriate recommendations, to the special agent in charge of the district, in accordance with section 232.7,***."

This provision is hereby amended to read:

> "Applications to make second entry must not be allowed by the registers, but must be forwarded by them, with appropriate recommendations, to the Commissioner of the General Land Office, in accordance with section 232.7."

232.7 Report on application for second desert-land entry. An application for desert-land entry, accompanied by a petition for classification and opening of the lands to entry under the desert-land laws and a showing for second entry on Form 4-007c, will be transmitted by the register to the Commissioner of the General Land Office for preliminary consideration. If upon examination of the application, petition and second entry showing it appears that a report as to the applicant's qualifications to make second desert-land entry should be secured from the Division of Investigations, such report will be requested. If any other report is required from that Division or other agency, as to the application or petition, such report will be requested at the same time.

232.10 (8) Application for desert-land entry; petition for classification. A person who desires to make entry under the desert-land laws must file with the register of the proper land office an application, in duplicate, under oath, showing that he is a citizen of the United States, or has declared his intention to become such citizen; that he is 21 years of age or over; and that he is a bona fide resident of the State in which the land sought to be entered is located, except in the State of Nevada, where the qualification as to citizenship is that of the United States only (41 Stat. 1086; 43 U.S.C. 323, 325). He also must state that he has not previously exercised the right of entry under the desert-land laws by filing an allowable application and withdrawing it prior to its allowance or by making an entry or by having taken one by assignment; that he has

personally examined every legal subdivision of the land sought to be entered; that he has not, since August 30, 1890, acquired title, under any of the agricultural land laws, to lands which, together with the land applied for, will exceed in the aggregate 320 acres, or 480 acres in case he has made an enlarged homestead for 320 acres; and that he intends to reclaim the lands applied for by conducting water thereon within four years from the date of his application. The application must contain a description of the land by legal subdivisions, section, township, and range. If the application is made for lands, withdrawn or classified as coal lands or for lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, sodium, sulphur, oil, gas, or asphaltic minerals, or valuable therefor, the applicant also must state in his application that the same is made in accordance with and subject to the Act of June 22, 1910 (36 Stat. 583), or the Act of July 17, 1914 (38 Stat. 509), as the case may be.

The application must be accompanied by a petition, in duplicate, for the classification and opening of the land under the desert-land laws, when required by the regulations (Sections 296.1 - 296.11; Circ. 1353b, June 29, 1937, 56 I.D. 465).

232.15 (13) Plan of irrigation and payment; reports. At the time of filing the application and petition with the register, the applicant also must file plans describing in detail the following: Source of water supply; character of the irrigation works constructed, in course of construction, or proposed to be constructed, i.e., reservoirs for storage, canals, flumes, or other methods by which water is to be conserved and conveyed to the land; if by direct diversion, the character and volume of the flow of the streams or springs, whether perennially flowing or intermittent. If the works have not been constructed, it must be shown whether they are to be built by an irrigation district, a corporation, or an association, and a general description of the proposed plan must be furnished. It must be shown in connection with any proposed plan whether, and by whom, surveys and investigations have been made which demonstrate the existence of a sufficient water supply and the feasibility of the proposed works to convey water to the land. If the applicant individually, or in association with others, proposes to construct irrigation works, a sworn statement must accompany the application, containing a general description of the proposed works, an estimate of the cost, and such other data as will enable the Department to determine the sufficiency of the water supply and the feasibility of the proposed works to convey water to the lands to be irrigated. If the irrigation is proposed by means of artesian wells or by pumping from non-artesian under-ground sources of water supply, sworn evidence must be submitted as to the existence of such water supply upon or near the land involved, including a statement as to other wells theretofore sunk and affording a water supply to adjoining or near-by lands.

With respect to the land itself, a specific showing must be submitted as to its approximate altitude, character of the soil, the approximate irrigable area of each legal subdivision, and the position and direction of the proposed permanent main and lateral ditches on the land, and that the land is of such contour that it can be irrigated from the proposed system. The map required to be filed by section 4 of the Act of March 3, 1877, as amended by section 2 of the Act of March 3, 1891 (26 Stat. 1096; 43 U.S.C. 327), must be sufficiently definite and accurate (preferably, but not necessarily, prepared by a licensed engineer) to show the plan for conducting water to the land to be irrigated. The register will carefully examine the evidence submitted in such applications, and either reject defective applications or require additional evidence to be filed.

At the time of filing his application, petition, plans, and the statements submitted therewith the applicant must pay the register the sum of 25 cents per acre for the lands therein described, the application to be given its proper serial number at that time. No rights to the land are initiated by the filing of an application unless this sum is paid or tendered. The register will issue a receipt for the money, and, after proper notations have been made on the records of the district land office, will transmit the originals and duplicates of all of the papers to the General Land Office, for preliminary consideration, together with report in duplicate, as to any conflicts of record.

If upon consideration of the case in the General Land Office it appears that a report should be secured from the Grazing Service, or the Division of Investigations, or both, appropriate reports will be requested.

The Division of Investigations, if requested, will report as to the sufficiency of the alleged water supply and the feasibility of the proposed plans. When such a report is requested, the General Land Office will furnish that division the duplicate of the application, petition and plans for irrigation, together with all information available with respect to the land, the water supply, or the proposed plan of irrigation, including the financial responsibility and general ability of the irrigation districts, corporations, or associations which propose to construct works for the reclamation of such land.

In the event an applicant alleges a company, an association, or an irrigation district as the proposed source of water supply, upon which report has not been submitted, the Division of Investigations, in connection with a request for a report will cause an investigation to be made of such project and have a report submitted thereon to the Commissioner, stating facts sufficient to justify action as to the allowance of original entries under the project, and will transmit the application involved with the report. If the project alleged as the source of water supply, has been reported upon, but no action on such report has been taken by the Commissioner,

the special agent in charge will report the facts in that connection. In the event the applicant alleges a project which has been passed upon by the Commissioner, the Division of Investigations will consider same in accordance with the conclusions reached, and in the event that favorable action is warranted will so report. In case adverse action is necessary, the report of the Division of Investigations will so state, giving the reasons to justify such action.

(Sections 232.6, 232.7, 232.10 and 232.15 are issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.)

PART 250 - PUBLIC SALES

GENERAL REGULATIONS GOVERNING PUBLIC SALES

250.6 (5) Action by register and by General Land Office; reports. The register, on receipt of applications, will assign serial numbers thereto and have appropriate notations made upon the records of the district land office. If the applications are not properly executed or not corroborated the register will reject the same. All actions of the register will be subject to the right of appeal. Applications found by the register to be properly executed and corroborated will be disposed of as follows:

(a) If the applicant does not show himself qualified, or if the tract appears not to be subject to disposition, the register will reject the application; if part of the tract is appropriated, he will reject the application as to that part, and, in the absence of an appeal, will eliminate the description thereof from the application and take further action as though it had never been included therein. Where an appeal if filed, and the Commissioner of the General Land Office, decides to order all or part of the lands into the market, he will call upon the Division of Investigations for a report, as provided in paragraph (b) of this section.

(b) If the status of the lands is such that a sale may properly be ordered, the register, after noting the application on his records, will promptly forward the original and duplicate of the application to the General Land Office for preliminary consideration, together with a report, in duplicate, as to any conflicts of record.

If upon consideration of the application in the General Land Office it appears that a report should be secured from the Division of Investigations, a report covering the value of the land and any other information desired will be requested.

PUBLIC SALE OF TRACTS WHICH ARE MOUNTAINOUS OR TOO ROUGH FOR CULTIVATION

250.22 Paragraph 3; (20) Subparagraph 3. In acting on applications for offering under the second proviso, regard will be had to the character of each subdivision applied for. Offering of an entire tract will not be had upon the ground that the greater part is of the character contemplated thereby, if taken as a whole.

(Sections 250.6 and 250.22 are issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.)

See Circ. 1555, too

Still in effect 5/28/54 BB

PART 285 - TIMBER AND STONE ENTRIES

285.7 (6) Method of obtaining title. Any qualified person may obtain title under the timber and stone law by performing the following acts, if the land is classified and opened to entry pursuant to his application: (a) Personally examining the land desired; (b) presenting an application and sworn statement with a petition for classification, accompanied by a filing fee of $10; (c) depositing with the register the appraised price of the land; (d) publishing notice of his application and proof; (e) making satisfactory final proof.

285.9 (8) Application; filing fee; petition for classification. The application and sworn statement (Form 4-522) must contain the applicant's estimate of the timber, based on examination, and his valuation of the land and the timber thereon, by separate items. It must be executed in duplicate, after having been read to or by the applicant, in the presence of the officer administering the oath, and sworn to by him before such officer. The application may be sworn to before any officer qualified to administer oaths in public land cases. An application is not acceptable if executed more than 10 days before its deposit in the mails for filing in the district land office. Each applicant must, at the time he presents his application, deposit with the register a filing fee of $10. In the States in which there is no district land office, the application and sworn statement must be mailed to the General Land Office, within the time mentioned.

The application must be accompanied by a petition in duplicate, for the classification of the land, as required by the regulations (Sections 296.1 - 296.11; Circular No. 1353 b, June 29, 1937, 56 I. D. 465).

285.11 (10) Action by register; appraisal of lands. After an application and petition for classification have been filed in the proper form, with deposit, the register will issue a receipt for the money, and, after proper notations have been made on the records of the district land office, will transmit the originals and duplicates of the papers to the General Land Office for preliminary consideration, together with a report, in duplicate, as to any conflicts of record.

The ~~Division of Investigations~~ Branch of Field Examination, if requested, will cause the lands applied for to be appraised by a ~~special agent~~ field examiner, using form 4-526.

285.13 (12) Appraisement; manner of return; approval. The complete appraisement must be mailed or delivered personally to the special agent in charge under whose supervision it is made, and not to the applicant.

Changes in wording from Circ. 1555

The ~~special agent~~ Reg. field examiner in charge will transmit it, ~~through the Director, Division of Investigations~~, to the Commissioner of the General Land Office for consideration, and approval, if satisfactory. The appraisement, if approved, will become effective if and when the land is classified and opened for entry, as requested.

285.14 (13) Disagreement on appraisement; report; action by General Land Office. The ~~special agent in charge~~ Reg. field Exam. will return to the ~~special agent~~ Field Exam with his objections, an appraisement which he deems materially low or high, and the special agent shall within 20 days from the receipt thereof resubmit the papers, with such modifications or explanations as he may deem advisable or proper, upon receipt of which the special agent in charge will either approve the schedule as then submitted or forward the papers ~~through the Director of Investigations~~ to the Commissioner of the General Land Office with his memorandum of objection. If the Commissioner approves the appraisement, he will sign the certificate appended thereto ~~and advise the Division of Investigations thereof~~. If the Commissioner approves the objection of the special agent in charge he will so indicate, and will return the papers to the ~~Division of Investigations, which~~ R.F.E. who thereupon will order a new appraisement by a different officer.

285.15 (14) Notation of appraisement; appraisement effective for one year. If the land, or part thereof, is classified and opened for entry as requested, the register will note the price on his records, as of the date when the land becomes subject to entry, and for one year thereafter the land may be sold at such price. After the lapse of one year, an application under the Act of June 3, 1878, as amended, will be referred by the register to the Commissioner of the General Land Office for consideration as to whether the conditions then existing demand a new appraisal.

285.16 (15) Notice of appraisement; payment or protest. Upon receiving notice of the classification and opening of the land, or part thereof, the register will inform the applicant (using Form 4-524) that he must, within 30 days from service of notice, deposit with the register, in lawful money, in post-office money orders payable to the register, in certified checks drawn in favor of the register which can be cashed without cost to the Government, or in other acceptable form of remittance, the appraised price of the land and timber thereon, or within such time file his protest against the appraisement, depositing with the register a sum sufficient to defray the expenses of a reappraisement (which sum, not less than $100, must be fixed by the register and specified in the notice to the applicant), together with his application for reappraisement at his own expense.

285.17 (17) Objection to appraisement; application for reappraisement. Any applicant filing his protest against an appraisement, and his application for reappraisement, must support it by his affidavit, corroborated by

by two competent, credible and disinterested persons, in which he must set forth specifically his objections to the appraisement. He must indicate his consent that the amount deposited by him for the reappraisement, or such part thereof, as is necessary, may be expended therefor, without any claim on his part for a refund or return of the money thus expended.

285.18 (18) Reappraisement. Upon the receipt of a protest against appraisement and application for reappraisement, the register will transmit such protest and application to the Commissioner of the General Land Office ~~Office,~~ who, in the absence of objection, will request the ~~Division of Investigations~~ Branch of Field Exam. to cause a reappraisement to be made by some ~~special agent~~ other than the one who made the original appraisement. The procedure provided in Sec. 285.12, (Paragraph 11, Circular No. 851), will be followed for reappraisement.

(Sections 285.7, 285.9, 285.11 and 285.13 to 285.18, inclusive, are issued under the authority contained in Sec. 3, 20 Stat. 90; 43 U.S.C. 313.)

Obsolete - See Circ 1718

PART 296 - CLASSIFICATIONS

CLASSIFICATION AND ENTRY OF LANDS AFFECTED BY GENERAL ORDERS OF WITHDRAWAL, OR WITHIN A GRAZING DISTRICT

296.5 (4) Action on applications and petititions, by register; homestead cases. In all cases of applications to make entries, selections, or locations of public lands, accompanied by petitions for classification and opening of the lands to entry, selection, or location, and necessary fees and commissions, the register will assign serial numbers thereto, and after appropriate notations have been made upon the records of the district land office, will transmit the originals and duplicates of the applications and petitions to the General Land Office for preliminary consideration, together with reports, in duplicate, as to any conflicts of record.

In the case of a homestead application, the General Land Office will request a report from the Grazing Service, where the land is within a grazing district, or within an area under immediate consideration looking to its inclusion in a grazing district.

The Director of Grazing will report to the General Land Office as to the character and classification of the lands involved; that is, whether they may be classified and opened to homestead entry.

If the land applied for is inside of a grazing district, the Director of Grazing, will include in his report a statement as to whether or not there are any allowed privileges in the form of licenses or permits to graze on special lands in the form of allotments and, if so, will give the names and addresses of all citizens, groups, associations, or corporations entitled to exercise such exclusive grazing privileges. Where the license or permit is to graze in common with others, the Grazing Service will report that fact.

If the report from the Grazing Service and other information available indicates that there is no objection to the classification and opening of the land and that there are no grazing allotment licensees' or permittees' rights involved, the General Land Office, through the Grazing Service, will recommend to the Secretary of the Interior that the lands be classified and opened to entry as applied for. If the recommendation is approved by the Secretary of the Interior, the General Land Office will fix a date for the opening of the land to entry, and on that date the petitioner's application for entry will be allowed, in the absence of record objections.

If the lands are within a grazing district and the Grazing Service report and other information available indicates that there is no objection to the classification and opening of the lands as applied for, and it appears that the rights of allotment licensees or permittees are involved, the General Land Office through its proper district land office will cause proper notice to be given by registered mail of the contemplated classification and opening to entry to all allotment licensees or permittees entitled to exercise grazing privileges. Where the license or permit is to graze in common with others, notice will be given by publication in some newwpaper of general circulation in the locality for the area affected. Such notice should allow a period of at least thirty days for the filing of objections to the proposed opening. If no objection be filed or if objection is made and found to be without merit, the classification and opening will be recommended by the General Land Office to the Secretary of the Interior, through the Grazing Service and, upon approval thereof, a date will be fixed by the General Land Office for the opening of the land to entry. At least thirty days' notice shall be given by the register to all allotment licensees or permittees that by that date their use of the land must be discontinued.

If the land involved is in a grazing lease, the General Land Office, through its proper district land office, will cause proper notice to be given to the lessee, by registered mail, of the contemplated classification and opening to entry. The lessee will be afforded due opportunity for the filing of protests, the same as is hereinabove provided for in the case of applications for lands in grazing districts. The procedure with respect to the opening of the lands to entry also will be the same as is hereinabove outlined.

296.6 (5) Cases not under the homestead laws. In the case of an application not under the homestead laws, the General Land Office will request a report from the Grazing Service if it appears from an examination of the application that any of the lands involved are within any grazing district. Also, if it appears necessary, a report will be secured from the Division of Investigations.

The Division of Investigations, if requested, will report as to whether any reason exists why the land should be retained in Federal ownership in aid of conservation and the development of the natural resources or whether it may be classified and opened to entry as sought, without detriment to the public interests. In addition, the report must give whatever information is required by the applicable laws and regulations.

If the land is inside of a grazing district, the Grazing Service will report as to whether there is any objection to the classification

and opening of the land as applied for and whether or not the rights of allotment licensees or permittees are involved and, if so, it will include in its report the names and addresses of all such licensees or permittees. Where the license or permit is to graze in common with others, the Grazing Service will report that fact. The General Land Office, through the proper district land office, will notify all such allotment licensees or permittees of the pending application. The procedure with respect to notice to allotment licensees, permittees, and lessees and to the classification and opening of the lands to entry will be the same as in homestead cases.

(Sections 296.5 and 296.6 are issued under the authority contained in Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.)

110666

Circular No. 1475 — Obsolete - See Directors memo. 2/16/49

REGULATIONS GOVERNING RENTALS AMENDED

AUG 15 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

See Circ 1840

August 6, 1940

Pursuant to the provisions of the act of July 8, 1940 (Public No. 726), entitled "An Act Relating to rentals in certain oil and gas leases issued under authority of the Act of February 25, 1920, as amended, and for other purposes", paragraph 15 of Circular No. 1386, approved May 7, 1936 (55 I. D. 520; Sec. 192.52, Code of Federal Regulations), as amended April 3, 1940, by Circular No. 1468, is hereby further amended to read as follows:*

Sec. 192.52 Rentals. A lessee shall pay an annual rental of 50 cents per acre or fraction thereof for the first year of the lease, and shall pay an annual rental of 25 cents per acre or fraction thereof for the second and each succeeding lease year until oil or gas in commercial quantities is discovered, except that where a lease is granted under section 17 of the act of February 25, 1920, as amended by the act of August 21, 1935, for lands not within any known geologic structure of a productive oil or gas field, no rental is required for the second and third lease years, unless a valuable deposit of oil or gas is sooner discovered, and except that where a lease is granted in exchange for an existing permit or pursuant to an application for permit filed after May 23, 1935, and before August 21, 1935, no rental is required for the first two lease years unless valuable deposits of oil or gas are sooner discovered within the boundaries of the lease. Beginning with the first lease year succeeding discovery, the annual rental shall be $1.00 per acre or fraction thereof, any rental paid for any one year to be credited against the royalties as they accrue for that year. In all instances, the rental shall be paid in advance, the first payment being due prior to the execution and delivery of the lease. While the term of a lease runs from the date thereof, the rental shall be due and payable each year on the first day of the month in which the lease was dated. However, with respect to exchange leases dated December 31, 1938, after the two-year free rental period, the due date for the payment of annual rental shall be January 1 of each year.

These regulations shall be applicable to all leases heretofore or hereafter issued under the provisions of the act of August 21, 1935 (49 Stat. 674).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 6, 1940.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

Circ. #1475

* Issued under the authority contained in Sec. 32, 41 Stat. 450: 30 U.S.C. 189.

111800

Circular No. 1476

Absolutely See Circ 1840

REGULATIONS GOVERNING RENEWAL OF OIL AND GAS LEASES WHICH ISSUED FOR A PERIOD OF 20 YEARS UNDER THE ACT OF FEBRUARY 25, 1920 (41 STAT. 437).

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Amended in Part by Circ. ~~1505~~ 1573

RENEWAL OF LEASES

192.75 Statutory Authority. Section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U.S.C. 226) provides that leases shall be for a period of 20 years, with the preferential right in the leasees to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior. Subsection (b) of section 2 of the Act of August 21, 1935 (49 Stat. 679; 30 U.S.C. Sup. 223a) which amended the act of February 25, 1920, provides that nothing therein contained shall be construed to affect the validity of oil and gas prospecting permits or leases previously issued and in existence at the time the amendatory Act became effective, or impair any rights or privileges which had accrued under such permits or leases.

192.76 Application for renewal. An application to renew a 20-year lease for a period of 10 years should be filed in triplicate with the register of the district land office in which the leased lands are located or if in a State in which there is no district land office, in the General Land Office. Such application should be made by the record title holder or holders of the lease and be joined in or consented to by the operator of record. It should be stated in the application that all moneys due the United States have been paid and that operations under the lease have been conducted in accordance with the regulations of the Department. The register will forward ~~one copy~~ 2 of the application to the supervisor of oil and gas operations, Geological Survey, for the district in which the lands are located.

See ~~Order~~ Memo of 6/29/44

192.77 Report by Geological Survey. Upon receipt of a copy of the application for renewal, the oil and gas supervisor will report to the Director of the Geological Survey as to the number and status of the wells drilled on the leasehold, the current rate of production, if any, whether the lessee has made full compliance with the operating regulations of the Geological Survey and, if not, the respects in which the lessee has failed to make compliance. Thereupon the Director of the Geological Survey will transmit a copy of this report to the Commissioner of the General Land Office with such a recommendation as the facts may warrant.

192.78 Action in General Land Office. The Commissioner of the General Land Office shall consider the application and report submitted by the Director of the Geological Survey. If no objection to the renewal of the lease appears to the Commissioner, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution and return, together with a satisfactory lease bond. The Commissioner of the General Land Office shall then make his recommendation to the Secretary of the Interior, and if the lease is executed by the Secretary, one copy thereof will be delivered to the lessee.

192.79 Bond. The applicant shall furnish and maintain a corporate surety lease bond of not less than $5,000, or file the consent of the lessee and surety on the bond of record to an extension of their liability thereunder for the 10-year renewal period.

192.80 Rentals. Under the renewal lease the lessee shall pay an annual rental of $1.00 an acre where all or part of the leased lands are situated within the limits of a geologic structure of a productive oil or gas field as theretofore or thereafter defined by the Geological Survey, the rental for any one year to be credited against the royalty accruing for that year, provided (a) that such rental may be reduced in the discretion of the Secretary of the Interior to a minimum of not less than 25 cents per acre where a satisfactory showing is made that the lease cannot be operated successfully at the higher rental herein prescribed, and (b) that prior to a valuable discovery of oil or gas within the limits of the geologic structure upon which all or part of the leased lands are situated, the rental shall be 25 cents per acre.

192.81 Royalties. On applications for the renewal of leases which carry a flat royalty of 5% to the United States, the renewal lease shall provide (a) as to oil, a minimum royalty of 12½% until the average production reaches 110 barrels of oil per well per day, and for production in excess of that amount the step-scale royalty rate prescribed in the form of lease contained in section 192.28 (paragraph 13, Circular 1386, May 7, 1936, 55 I.D. 508), and (b) as to gas, the rate of royalty prescribed in such form of lease.

On applications for the renewal of 20-year leases which carry (a) as to oil, a sliding-scale royalty rate of 12½ to 33-1/3%; and (b) as to gas, a royalty of 12½% where the average production per day is less than 3,000,000 cubic feet, and 16-2/3% where the average daily production is in excess thereof; and (c) as to casing-head gasoline, a royalty of 16-2/3%; the renewal lease shall provide as to oil, gas, casing-head gasoline, and other products, the rates of royalty prescribed in the form of lease above referred to. The method of computing all royalties shall conform to the provisions of the operating regulations.

192.82 Effect of suspension of operations during 20-year lease term. Where during the 20-year period of a lease, operations and production have been suspended with the approval of the Secretary of the Interior pursuant to the Act of February 9, 1933 (47 Stat. 798; 30 U.S.C. 209), the lease term is extended by adding thereto the aggregate period of such suspension. For example, if a lease was issued on July 1, 1920, and operations and production on the leasehold have been suspended with the approval of the Secretary from July 1, 1933, to July 1, 1935, and from July 1, 1937, to September 1, 1938, the suspension periods totaling 3-1/6 years, the lease term is extended for a period of 3-1/6 years from July 1, 1940. Accordingly, in the example cited, an application for renewal filed at the expiration of the 20-year term will be considered premature and will be rejected without prejudice to the renewal of the application at the proper time.

192.83 Application for suspension of operations under renewal lease. Expiration of the term of the original lease automatically terminates drilling, producing or rental relief in effect at the expiration date of the lease. If such relief is desired under the renewal lease, an application therefor should be filed with the oil and gas supervisor, Geological Survey. Suspension of operations and production, resulting in relief from payment of annual rental under the Act of February 9, 1933, will not be granted unless there is a well on the leased premises capable of production.

192.84 Renewal lease. The renewal lease will be executed on Form 4-973. Except as otherwise provided in sections 192.75-192.83, the form of renewal lease contains substantially the same terms and conditions as the form of oil and gas lease prescribed for leases granted under the amendatory act of August 21, 1935, contained in section 192.28.

192.85 Applicability. Sections 192.75-192.84 shall be effective as to all applications heretofore or hereafter filed for the renewal of leases.

(Sgd) Fred W. Johnson,

Commissioner.

I concur: July 10, 1940.

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: August 5, 1940.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; 30 U.S.C. 189.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Serial.....

Renewal of Lease of Oil and Gas Lands
Under Act of February 25, 1920, as Amended.

THIS INDENTURE OF LEASE, entered into, in triplicate, as of the day of , by and between the UNITED STATES OF AMERICA, party of the first part, hereinafter called the lessor, by the Secretary of the Interior, and party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved February 25, 1920 (41 Stat. 437), entitled "An Act to Promote the Mining of Coal, Phosphate, Oil, Oil Shale, Gas, and Sodium on the Public Domain," as amended, hereinafter referred to as the Act, which is made part hereof, WITNESSETH:

SECTION 1. Rights of lessee.--That the lessor, in consideration of rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, and for the purpose of renewing the lease heretofore held by the lessee, does hereby grant and lease to the lessee the exclusive right and privilege to drill for, mine, extract, remove, and dispose of all the oil and gas deposits in or under the following-described tracts of land situated in the field and more particularly described as follows:

containing acres, more or less, together with the right to construct and maintain thereupon all works, buildings, plants, waterways, roads, telegraph or telephone lines, pipe lines, reservoirs, tanks, pumping stations, or other structures necessary to the full enjoyment thereof, for a period of 10 years, with the preferential right in the lessee to renew the lease for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior.

SEC. 2. In consideration of the renewal of the lease and of the foregoing, the lessee hereby agrees:

(a) Bond.--To furnish and maintain at all times thereafter as required by the lessor a bond in the penal sum of not less than $5,000 with approved corporate surety, or with deposit of United States bonds as surety therefor, conditioned upon compliance with the terms of this lease.

(b) Within 30 days of demand, to subscribe to and to operate under such reasonable cooperative or unit plan for the development and operation of the area, field, or pool embracing the lands included herein as the Secretary of the Interior may determine to be practicable and necessary or advisable, which plan shall adequately protect the rights of all parties in interest, including the United States.

(c) Wells: (1) To drill and produce all wells necessary to protect the leased land from drainage by wells on lands not the property of the lessor or lands of the United States leased at a lower royalty rate, or in lieu of any part of such drilling and production, with the consent of the Secretary of the Interior, to compensate the lessor in full each month for the estimated loss of royalty through drainage in the amount determined under instructions of said Secretary; (2) at the election of the lessee, to drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, provided such system is authorized and sanctioned by applicable law or by the Secretary of the Interior; and (3) promptly after due notice in writing to drill and produce such other wells as the Secretary of the Interior may require to insure reasonable diligence in the development and operation of the property.

(d) Rentals.--To pay the lessor in advance an annual rental of $1 per acre where all or part of the leased lands are situated within the limits of a geologic structure of a productive oil or gas field as heretofore or hereafter defined by the Geological Survey, the rental for any one year to be credited against the royalty accruing for that year; Provided, (a) that such rental may be reduced, in the discretion of the Secretary of the Interior, to a minimum of not less than 25 cents per acre where a satisfactory showing is made that the lease cannot be operated successfully at the higher rental herein prescribed, and (b) that prior to a valuable discovery of oil or gas within the limits of the geologic structure upon which all or part of the leased lands are situated, the rental shall be 25 cents per acre; And provided further, that suspension of operations and production resulting in relief from payment of annual rental under the Act of February 9, 1933 (47 Stat. 798), will not be granted unless there is a well on the leased premises capable of production.

(e) Royalties.--To pay the lessor royalties, as follows, on the amount or value of all production from the leased lands (except that portion thereof used for production purposes on said lands or unavoidably lost):

(1) When the price of oil used in computing royalty value is $1 or more per barrel, the per centum of royalty shall be as follows:

When the average production for the calendar month in barrels per well per day is

not over					110,	the royalty	shall be	12.5	per cent;
over	110	but not over			130,	"	"	" " 18	"
"	130	"	"	"	150,	"	"	" " 19	"
"	150	"	"	"	200,	"	"	" " 20	"
"	200	"	"	"	250,	"	"	" " 21	"
"	250	"	"	"	300,	"	"	" " 22	"
"	300	"	"	"	350,	"	"	" " 23	"
"	350	"	"	"	400,	"	"	" " 24	"
"	400	"	"	"	450,	"	"	" " 25	"
"	450	"	"	"	500,	"	"	" " 26	"
"	500	"	"	"	750,	"	"	" " 27	"
"	750	"	"	"	1,000,	"	"	" " 28	"
"	1,000	"	"	"	1,250,	"	"	" " 29	"
"	1,250	"	"	"	1,500,	"	"	" " 30	"
"	1,500	"	"	"	2,000,	"	"	" " 31	"
"	2,000					"	"	" " 32	"

(2) When the price of oil used in computing royalty value is less than $1 per barrel, the per centum of royalty shall be the foregoing multiplied by the ratio of said price to a price of $1 per barrel: Provided, however, That the per centum of royalty shall never be less than 12.5.

(3) If the United States shall take its royalty in oil, the price received by the lessee, as well as that received by the lessor shall be considered in determining the price to govern the per centum of royalty, unless both prices are $1 or more per barrel.

(4) On gas, including inflammable gas, helium, carbon dioxide and all other natural gases and mixtures thereof, and on natural or casing-head gasoline, and other liquid products obtained from gas:

lower royalty rate, or in lieu of any part of such drilling and production, with the consent of the Secretary of the Interior, to compensate the lessor in full each month for the estimated loss of royalty through drainage in the amount determined under instructions of said Secretary; (4) at the election of the lessee, to drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, provided such system is authorized and sanctioned by applicable law or by the Secretary of the Interior; and (5) promptly after due notice in writing to drill and produce such other wells as the Secretary of the Interior may require to insure reasonable diligence in the development and operation of the property.

(c) Rentals.—To pay the lessor in advance an annual rental of $1 per acre where oil or part of the leased lands are situated within the limits of a geologic structure of a productive oil or gas field as determined or hereafter defined by the Geological Survey, the rental for any one year to be credited against the royalty according for that year: Provided, (a) that such rental may be reduced, in the discretion of the Secretary of the Interior, to a minimum of not less than 50 cents per acre where a satisfactory showing is made that the lands cannot be operated successfully at the higher rental herein prescribed, and (b) that prior to a valuable discovery of oil or gas within the limits of the geologic structure upon which oil or part of the leased lands are situated, the rental shall be 25 cents per acre; And provided further, that suspension of operations and production resulting in relief from payment of annual rental under the act of February 9, 1922 (42 Stat. 344), will not be granted unless there is a well on the leased premises capable of production.

(d) Royalty.—To pay the lessor royalties, as follows, on the amount or value of all production from the leased lands (except that petroleum thereof used for production purposes on said lands or unavoidably lost):

(1) When the price of oil used in computing royalty value is $1 or more per barrel, the per centum of royalty shall be as follows:

When the average production for the calendar month in barrels per well per day is

not over		110, the royalty shall be 12.5 per cent;	
over	110 but not over	120, " " "	13 "
"	120 " " "	130, " " "	13½ "
"	130 " " "	140, " " "	14 "
"	140 " " "	150, " " "	14½ "
"	150 " " "	200, " " "	15 "
"	200 " " "	250, " " "	16 "
"	250 " " "	300, " " "	17 "
"	300 " " "	350, " " "	18 "
"	350 " " "	400, " " "	19 "
"	400 " " "	450, " " "	20 "
"	450 " " "	500, " " "	21 "
"	500 " " "	750, " " "	22 "
"	750 " " "	1,000, " " "	23 "
"	1,000 " " "	1,250, " " "	24 "
"	1,250 " " "	1,500, " " "	25 "
"	1,500 " " "	1,750, " " "	26 "
"	1,750 " " "	2,000, " " "	27 "
"	2,000	" " "	28 "

(2) When the price of oil used in computing royalty value is less than $1 per barrel, the per centum of royalty shall be the foregoing multiplied by the ratio of said price to a price of $1 per barrel: Provided, further, That the per centum of royalty shall never be less than 12.5.

(3) If the United States shall take its royalty in oil, the price received by the lessee, as well as that received by the lessor shall be considered in determining the price to govern the per centum of royalty, unless both prices are $1 or more per barrel.

(4) On gas, including inflammable gas, helium, carbon dioxide and all other mineral gases and mixtures thereof, and on natural or casing-head gasoline, and other liquid products obtained from gas:

When the average production of gas per well per day for the calendar month does not exceed 5,000,000 cubic feet, 12½ per cent; and when said production of gas exceeds 5,000,000 cubic feet, 16⅔ per cent of the amount or value of the gas and liquid products produced, said amount or value of such liquid products to be net after an allowance for the cost of manufacture: Provided, That the allowance for cost of manufacture may exceed two-thirds of the amount or value of any product only on approval by the Secretary of the Interior, and that said value of gas and of liquid products shall be as determined by said Secretary.

The average production per well per day for oil and for gas shall be determined under rules and regulations approved by the Secretary of the Interior.

(5) It is expressly agreed that the Secretary of the Interior may establish reasonable minimum prices for purposes of computing royalty in value on any or all oil, gas, natural gasoline, and other liquid products obtained from gas; and that in no case shall the price so established be less than the estimated reasonable value of the product, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters.

(6) When paid in value, such royalties on production shall be due and payable monthly on the last day of the calendar month next following the calendar month in which produced. When paid in amount of production, such royalty products shall be delivered in merchantable condition on the premises where produced without cost to lessor, unless otherwise agreed to by the parties hereto, at such times and in such tanks provided by the lessee as reasonably may be required by the lessor: Provided, That the lessee shall not be required to hold such royalty oil or other liquid products in storage beyond the last day of the calendar month next following the calendar month in which produced: And provided further, That the lessee shall be in no manner responsible or held liable for the loss or destruction of royalty oil or other liquid products in storage from causes over which the lessee has no control.

(7) Royalties, whether in amount or value of production, shall be subject to reduction whenever the average daily production of the oil wells on the entire leasehold or on any tract or portion thereof segregated for royalty purposes shall not exceed ten (10) barrels per well per day, or where the cost of production of oil or gas is such as to render further productiou economically impracticable, if in the judgment of the Secretary of the Interior the wells cannot be successfully operated upon the royalties fixed herein.

(f) Contracts for disposal of products.--To file with the Federal oil and gas supervisor or such other officer as the Secretary of the Interior may designate, copies of all contracts immediately upon execution thereof, and full information as to all other arrangements for the disposal of oil, gas, natural gasoline, and other products produced hereunder (except products used for production purposes on the leased lands or unavoidably lost), and not to sell or otherwise dispose of the products of the land leased except in accordance with a contract or other arrangement first approved by said officer, such approval to be subject to review by the Secretary of the Interior but to be effective unless and until revoked by said Secretary or his said subordinate.

(g) Monthly statements.--To furnish monthly statements in detail at such time and in such form as may be prescribed by the lessor, showing the amount and quality of all oil, gas, natural gasoline, and other substances produced during the preceding calendar month and the amounts thereof used for production purposes on the leased lands or unavoidably lost, and to furnish current records and monthly statements of the amounts thereof sold or otherwise disposed of and the proceeds therefrom.

(h) Payments.--Unless otherwise directed by the Secretary of the Interior, to make rental, royalty, or other payments to the lessor to the order of the Commissioner, General Land Office, such payments to be tendered to the Federal oil and gas supervisor of the district in which the leased land is situated.

(i) Inspection.--To keep open at all reasonable times for the inspection of any duly authorized officer of the Department, the leased premises and all wells, improvements, machinery, and fixtures thereon or connected therewith, and all books, accounts, maps, and records relative to operations and surveys or investigations on the leased lands or under the lease.

100 per cent of the amount or value of the gas and liquid products produced, and amount or value of such liquid products to be met either as royalties for the cost of manufacture: Provided, That the allowance for cost of manufacture may exceed two-thirds of the amount or value of any product sold on approval by the Secretary of the Interior, and that such value of gas and of liquid products shall be as determined by said Secretary.

The average production per well per day for oil and for gas shall be determined under rules and regulations approved by the Secretary of the Interior.

(3) If is expressly agreed that the Secretary of the Interior may establish reasonable minimum prices for purposes of computing royalty in value on any or all oil, gas, natural gasoline, and other liquid products obtained from gas; and that in no case shall the price so established be less than the estimated reasonable value of the product, due consideration being given to the highest price paid for a part or for a similarly of production or like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters.

(3) When paid in value, each royalties on production shall be due and payable monthly on the last day of the calendar month next following the calendar month in which produced. When paid in amount of production, such royalty products shall be delivered in merchantable condition on the premises where produced without cost to lessor, unless otherwise agreed to by the parties hereto, at such times and in such tanks provided by the lessee as reasonably may be required by the lessor: Provided, That the lessee shall not be required to hold more royalty oil or other liquid products in storage beyond the last day of the calendar month next following the calendar month in which produced, and provided further, That the lessee shall be in no manner responsible or held liable for the loss or destruction of royalty oil or other liquid products in storage from causes over which the lessee has no control.

(7) Royalties, whether in amount or value of production, shall be subject to reduction whenever the average daily production of the oil wells on the entire leasehold or on any tract or portion thereof segregated for royalty purposes shall not exceed ten (10) barrels per well per day, or where the cost of production of oil or gas is such as to render further production economically impracticable, if in the judgment of the Secretary of the Interior the wells cannot be successfully operated upon the royalties fixed herein.

(8) Contracts for disposal of products.—To file with the Federal oil and gas supervisor or such other officer as the Secretary of the Interior may designate, copies of all contracts immediately upon execution thereof, and full information as to all other arrangements for the disposal of oil, gas, natural gasoline, and other products produced hereunder (except products used for production purposes on the leased lands or unavoidably lost), and not to sell or otherwise dispose of the products of the land leased except in accordance with a contract or other arrangement first approved by said officer, such approval to be subject to review by the Secretary of the Interior but to be effective unless and until revoked by said Secretary or his said subordinate.

(9) Monthly statements.—To furnish monthly statements in detail at such time and in such form as may be prescribed by the lessor, showing the amount and quality of all oil, gas, natural gasoline, and other substances produced during the preceding calendar month and the amounts thereof used for production purposes on the leased lands or unavoidably lost, and to furnish correct records and monthly statements of the amounts thereof sold or otherwise disposed of and the proceeds therefrom.

(10) Payments.—Unless otherwise directed by the Secretary of the Interior, to make rental, royalty, or other payments to the lessor in the order of the Commissioner, General Land Office, such payments to be tendered to the Federal oil and gas supervisor of the district in which the leased tract is situated.

(11) Inspection.—To keep open at all reasonable hours for the inspection of any duly authorized officer of the Department, the leased premises and all wells, improvements, machinery, and fixtures thereon or connected therewith, and all books, accounts, maps, and records relating to operations and surveys or investigations on the leased lands or under the leases.

(j) Plats and reports.--To furnish at such times and in the manner and form prescribed by or on behalf of the lessor, a plat showing all development work and improvements on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon said leased lands; and to report in detail when required as to the stockholders, investment, depreciation, and cost of operation, and the amount, nature, and quality of products sold, and the amount received therefor.

(k) Well records.--To keep a daily drilling record, a log, and complete information on all well surveys in form acceptable to or prescribed by or on behalf of the lessor of all the wells drilled on the leased lands, and an acceptable record of all subsurface investigations affecting said lands, which log, information, and records, or copies thereof, shall be furnished to the lessor as requested or required.

(l) Diligence--Prevention of waste--Health and safety of workmen.--To exercise reasonable diligence in drilling and producing the wells herein provided for unless consent to suspend operations temporarily is granted by the Secretary of the Interior; to carry on all operations hereunder in a good and workmanlike manner, in accordance with approved methods and practice as provided in the operating regulations, having due regard for the prevention of waste of oil or gas developed or damage to deposits or formations containing oil, gas, or water or to coal measures or other mineral deposits, for conservation of gas energy, for the preservation and conservation of the property for future productive operations, and for the health and safety of workmen and employees; to plug properly and effectively all wells before abandoning the same; not to drill any well within 200 feet of any of the outer boundaries of the lands covered hereby, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners; to carry out at expense of the lessee all reasonable orders of the lessor relative to the matters in this paragraph, and that on failure of the lessee so to do the lessor shall have the right to enter on the property and to accomplish the purpose of such orders at the lessee's cost: Provided, That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond lessee's control.

(m) Regulations.--To abide by and conform to any and all reasonable regulations of the Secretary of the Interior now or hereafter in force, all of which regulations are made a part and condition of this lease: Provided, That such regulations are not inconsistent with any express and specific provisions hereof; and particularly that no regulations hereafter approved shall effect a change in the rate of royalty or annual rental herein specified without the written consent of the parties to this lease.

(n) Taxes and wages--Freedom of purchase.--To pay when due, all taxes lawfully assessed and levied under the laws of the State or the United States upon improvements, oil, and gas produced from the lands hereunder, or other rights, property, or assets of the lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(o) Reserved deposits.--To comply with all statutory requirements and regulations thereunder, if the lands embraced herein have been or shall hereafter be disposed of under the laws reserving to the United States the deposits of oil and gas therein, subject to such conditions as are or may hereafter be provided by the laws reserving such oil or gas.

(p) Assignment of lease.--Not to assign this lease or any interest therein by an operating agreement or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior first had and obtained.

(q) Deliver premises in cases of forfeiture.--To deliver up the premises leased, with all permanent improvements thereon, in good order and condition in case of forfeiture of this lease; but this shall not be construed to prevent the removal, alteration, or renewal of equipment and improvements in the ordinary course of operations.

(r) Pipe lines to purchase or convey at reasonable rates and without discrimination.--If owner, or operator, or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil or gas derived from lands under this lease, to accept and convey and, if a purchaser of such products, to purchase at reasonable rates and without discrimination the oil or gas of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing or selling oil, gas, natural gasoline, or other products under the provisions of the Act.

(i) Plats and reports.—To furnish at such times and in the manner and form prescribed by or on behalf of the lessor, a plat showing all development work and improvements on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed on or upon said leased lands; and to report in detail when required as to the stockholders, investment, depreciation, and cost of operation, and the amount, nature, and quality of production sold, and the amount received therefor.

(k) Well records.—To keep a daily drilling record, a log, and complete information on all wells drilled in form acceptable to or prescribed by or on behalf of the lessor of all the wells drilled on the leased lands, and an acceptable record of all subsurface investigations affecting said lands, which log, information, and records, or copies thereof, shall be furnished to the lessor as requested or required.

(l) Drilling—Preparation of wells—Health and safety of workmen.—To exercise reasonable diligence in drilling and producing the wells herein provided for unless compelled to suspend operations temporarily in pursuance of a permit granted by the Secretary of the Interior, to carry on all operations hereunder in a good and workmanlike manner, in accordance with approved methods and practice as provided in the operating regulations, having due regard for the prevention of waste of oil or gas developed or danger to deposits or formations containing oil, gas, or water or to coal measures or other mineral deposits, for conservation of gas pressure, for the preservation and conservation of the property for future productive operations, and for the health and safety of workmen and employees; to plug properly and effectively all wells before abandoning the same; not to drill any well within 200 feet of any of the outer boundaries of the lands covered hereby, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners; to carry out at expense of the lessee all reasonable orders of the lessor relative to the matters in this paragraph, and that on failure of the lessee so to do the lessor shall have the right to enter on the property and to accomplish the purpose of such orders at the lessee's cost: Provided, That the lessee shall not be held responsible for delays or casualties occasioned by causes beyond lessee's control.

(m) Regulations.—To abide by and conform to any and all reasonable regulations of the Secretary of the Interior now or hereafter in force, all of which regulations are made a part and condition of this lease: Provided, That such regulations are not inconsistent with any express and specific provisions hereof, and particularly that no regulations hereafter promulgated shall effect a change in the rate of royalty or annual rental herein specified without the written consent of the parties to this lease.

(n) Taxes and rents—Evidence of purchase.—To pay when due, all taxes lawfully assessed and levied under the laws of the State or the United States upon improvements, oil, and gas produced from the lands hereunder, or other rights, property, or assets of the lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(o) Reserved deposits.—To comply with all statutory requirements and regulations thereunder. If the lands embraced herein have been or shall hereafter be disposed of under the laws reserving to the United States the deposits of oil and gas therein, subject to such conditions as are or may hereafter be provided by the laws governing such oil or gas.

(p) Assignment of lease.—Not to assign this lease or any interest therein by an operating agreement or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior first had and obtained.

(q) Delivery premises in good repair.—To deliver up the premises leased, with all permanent improvements thereon, in good order and condition in case of forfeiture of this lease; but this shall not be construed to prevent the removal, alteration, or renewal of equipment and improvements in the ordinary course of operations.

(r) First right to purchase [illegible].—[illegible] operator, or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil or gas derived from lands under this lease, to accept and convey and, if a purchaser of such products, to purchase at reasonable rates and without discrimination the oil or gas of the Government or any citizen or company not the owner of any interest in, controlling a lease or producing or selling oil or gas, or operating any refinery, or engaged in the business of purchasing or selling oil or gas, or operating any pipe line, or any other agency for the transportation of oil or gas.

(s) Reserved or segregated lands.--If any of the land included in this lease is embraced in a reservation or segregated for any particular purpose, the lessee shall conduct operations thereunder in conformity with such requirements as may be made by the Secretary of the Interior for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purposes of this lease, which latter shall be regarded as the dominant use unless otherwise provided herein or separately stipulated.

SEC. 3. The lessor expressly reserves:

(a) Rights reserved--Easements and rights-of-way.--The right to permit for joint or several use easements or rights-of-way, including easements in tunnels upon, through or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same or of other lands containing the deposits described in the Act, and the treatment and shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) Disposition of surface.--The right to lease, sell, or otherwise dispose of the surface of the lands embraced within this lease under existing law or laws hereafter enacted, insofar as said surface is not necessary for the use of the lessee in the extraction and removal of the oil and gas therein: Provided, That this reservation shall not apply to any lands herein described, title to which has passed from the United States.

(c) Monopoly and fair prices.--Full power and authority to promulgate and enforce all orders necessary to insure the sale of the production of the leased lands to the United States and to the public at reasonable prices, to protect the interests of the United States, to prevent monopoly, and to safeguard the public welfare.

(d) Helium.--Pursuant to section 1 of the Act, and section 1 of the Act of Congress approved March 3, 1927 (44 Stat. 1387), as amended, the lessor reserves the ownership and the right to extract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, helium from all gas produced under this lease, but the lessee shall not be required to extract and save the helium for the lessor; in case the lessor elects to take the helium the lessee shall deliver all gas containing same, or portion thereof desired, to the lessor at any point on the leased premises in the manner required by the lessor, for the extraction of the helium in such plant or reduction works for that purpose as the lessor may provide, whereupon the residue shall be returned to the lessee with no substantial delay in the delivery of gas produced from the well to the purchaser thereof: Provided, That the lessee shall not, as a result of the operation in this paragraph provided for, suffer a diminution of value of the gas from which the helium has been extracted, or loss otherwise, for which the lessee is not reasonably compensated, save for the value of the helium extracted; the lessor further reserves the right to erect, maintain, and operate any and all reduction works and other equipment necessary for the extraction of helium on the premises leased.

(e) Taking of royalties.--All rights pursuant to section 36 of the Act, to take royalties in amount or in value of production.

(f) Casing.--All rights pursuant to section 40 of the Act, to purchase casing and lease or operate valuable water wells.

SEC. 4. Drilling and producing restrictions.--It is covenanted and agreed that the rate of prospecting and developing and the quantity and rate of production from the lands covered by this lease shall be subject to control in the public interest by the Secretary of the Interior, and in the exercise of his judgment the Secretary may take into consideration, among other things, Federal laws, State laws, and regulations issued thereunder, or lawful agreements among operators regulating either drilling or production, or both.

SEC. 5. Surrender and termination of lease.--The lessee may, on consent of the Secretary of the Interior, first had and obtained in writing, surrender and terminate this lease upon payment of all rents, royalties, and other obligations due and payable to the lessor, and upon payment of all wages and moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary that the public interest will not be impaired; but in no case shall such termination be effective until the lessee shall have made full provision for conservation and protection of the property; upon like consent had and obtained the lessee may surrender any legal subdivisions of the area included herein.

consistent with the use of the land for the purposes of this lease, which latter shall be regarded as the dominant use unless otherwise provided herein or expressly stipulated.

SEC. 3. The lessor expressly reserves:

(a) Public roads.—Easements and rights-of-way.—The right to permit for public use roads, easements or rights-of-way, including easements in tunnels upon, through or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same or of other lands containing the deposits described in the Act, and the treatment and shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) Protection of surface.—The right to lease, sell, or otherwise dispose of the surface of the lands embraced within this lease under existing law or laws hereafter enacted, insofar as said surface is not necessary for the use of the lessee in the extraction and removal of the oil and gas therefrom: Provided, That this reservation shall not apply to any lands herein described, title to which has passed from the United States.

(c) Monopoly and fair prices.—Full power and authority to promulgate and enforce all orders necessary to insure the sale of the production of the leased lands to the United States and to the public at reasonable prices, to protect the interests of the United States, to prevent monopoly, and to safeguard the public welfare.

(d) Waiver.—Pursuant to section 1 of the Act, and section 1 of the Act of Congress approved March 3, 1927 (44 Stat. 1347), as amended, the lessor reserves the ownership and the right to waiver, under such rules and regulations as shall be prescribed by the Secretary of the Interior, royalties from all gas produced under this lease, but the lessee shall not be required to account and pay the royalties for the lessor; in case the lessor elects to take the royalties the lessee shall deliver all gas containing gasoline, or portion thereof desired, to the lessor at any point on the leased premises in the manner required by the lessor, for the extraction of the gasoline in such plant or reduction works for that purpose as the lessor may provide, whereupon the royalties shall be returned to the lessee with no substantial delay in the delivery of gas produced from the well to the purchaser thereof: Provided, That the lessee shall not, as a result of the operation in this paragraph provided for, suffer a diminution of value of the gas from which the gasoline has been extracted, or loss thereby, for which the lessee is not reasonably compensated, save for the value of the gasoline extracted; the lessor further reserves the right to erect, maintain, and operate any and all reduction works and other equipment necessary for the extraction of gasoline on the premises leased.

(e) Taking of royalties.—All rights pursuant to section 36 of the Act, to take royalties in amount or in value of production.

(f) Easements.—All rights pursuant to section 40 of the Act, to purchase easements and lease or operate valuable water wells.

SEC. 4. Drilling and producing restrictions.—It is covenanted and agreed that the rate of prospecting and development and the quantity and rate of production from the lands covered by this lease shall be subject to control in the public interest by the Secretary of the Interior, and in the exercise of his judgment the Secretary may take into consideration, among other things, Federal laws, State laws, and regulations issued thereunder, or lawful agreements among operators regulating either drilling or production, or both.

SEC. 5. Surrender and termination of leases.—The lessee may, on consent of the Secretary of the Interior, first and exclusive in writing, surrender and terminate this lease upon payment of all rents, royalties, and other obligations due and payable to the lessor, and upon compliance with all rules and regulations and payment of all arrears due and payable to the workers employed by the lessee, and upon a satisfactory showing to the Secretary that the public interests will not be impaired, but in no case shall such termination be effective until the lessee shall have made full provision for conservation and protection of the property; upon like consent had and obtained the lessee may surrender any legal subdivisions of the area included herein.

SEC. 6. Purchase of materials, etc., on termination of lease.--Upon the expiration of this lease, or the earlier termination thereof pursuant to the last preceding section, the lessor or another lessee may, if the lessor shall so elect within 3 months from the termination of the lease, purchase all materials, tools, machinery, appliances, structures, and equipment placed in or upon the land by the lessee, and in use thereon as a necessary or useful part of an operating or producing plant, on the payment to the lessee of such sum as may be fixed as a reasonable price therefor by a board of three appraisers, one of whom shall be chosen by the lessor, one by the lessee, and the other by the two so chosen; pending such election all equipment shall remain in normal position. If the lessor, or another lessee, shall not within 3 months elect to purchase all or any part of such materials, tools, machinery, appliances, structures, and equipment, the lessee shall have the right at any time, within a period of 90 days, to remove from the premises all the materials, tools, machinery, appliances, structures, and equipment which the lessor shall not have elected to purchase, save and except casing in wells and other equipment or apparatus necessary for the preservation of the well or wells. Any materials, tools, machinery, appliances, structures, and equipment, including casing in or out of wells on the leased lands, shall become the property of the lessor on expiration of the period of 90 days above referred to or such extension thereof as may be granted on account of adverse climatic conditions throughout said period.

SEC. 7. Judicial proceedings in case of default.--If the lessee shall fail to comply with the provisions of the act or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or of the general regulations promulgated and in force at the date hereof, and such default shall continue after service of written notice thereof by the lessor, then the lessor may institute appropriate judicial proceedings for the forfeiture and cancellation of this lease in accordance with the provisions of section 31 of said act, and upon such cancellation all materials, tools, machinery, appliances, structures, equipment, and wells shall thereupon become the property of the lessor; but this provision shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

SEC. 8. Heirs and successors in interest.--It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 9. Unlawful interest.--It is also further agreed that no Member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of section 3741 of the Revised Statutes of the United States, and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1919 (35 Stat. 1109), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

IN WITNESS WHEREOF:

TNE UNITED STATES OF AMERICA.

By.....

Secretary of the Interior.

Witness to signature of--

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SEC. 6. Purchase of materials, etc., on termination of lease.—Upon the expiration of this lease, or the earlier termination thereof pursuant to the last preceding section, the lessor or another lessee may, if the lessor shall so elect within 3 months from the termination of the lease, purchase all materials, tools, machinery, appliances, structures, and equipment placed in or upon the land by the lessee, and in use thereon as a necessary or useful part of an operating or producing plant, on the payment to the lessee of such sum as may be fixed as a reasonable price therefor by a board of three appraisers, one of whom shall be chosen by the lessor, one by the lessee, and the other by the two so chosen; pending such election all equipment shall remain in normal position. If the lessor, or another lessee, shall not within 3 months elect to purchase all or any part of such materials, tools, machinery, appliances, structures, and equipment, the lessee shall have the right at any time, within a period of 90 days, to remove from the premises all the materials, tools, machinery, appliances, structures, and equipment which the lessor shall not have elected to purchase, save and except casing in wells and other equipment or apparatus necessary for the preservation of the well or wells. Any materials, tools, machinery, appliances, structures, and equipment, including casing in or out of wells on the leased lands, shall become the property of the lessor on expiration of the period of 90 days above referred to or such extension thereof as may be granted on account of adverse climatic conditions throughout said period.

SEC. 7. Judicial proceedings in case of default.—If the lessee shall fail to comply with the provisions of the act or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or of the general regulations promulgated and in force at the date hereof, and such default shall continue after service of written notice thereof by the lessor, then the lessor may institute appropriate judicial proceedings for the forfeiture and cancellation of this lease in accordance with the provisions of section 31 of said act, and upon such cancellation all materials, tools, machinery, appliances, structures, equipment, and wells shall thereupon become the property of the lessor; but this provision shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

SEC. 8. Heirs and successors in interest.—It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 9. Unlawful interest.—It is also further agreed that no Member of, or Delegate to, Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of section 3741 of the Revised Statutes of the United States, and sections 114, 116, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1919 (35 Stat. 1109), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA.

By.....

Secretary of the Interior.

Witness to signature of—

.....

.....

.....

.....

Circular No. 1477

SMALL SALES OF TIMBER ON SCHOOL SECTIONS AND WITHDRAWN LANDS IN ALASKA

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Absolete See Circ. 1815

August 19, 1940.

The regulations governing small sales of timber on the public lands in Alaska, for use in Alaska, are contained in Circular No. 1393, dated June 20, 1936 (Sections 79.15 to 79.33, inclusive, of the Code of Federal Regulations). Paragraph 14 of the circular, respecting such sales on school sections and on withdrawn lands, was incorporated into the Code as Sec. 79.29. In order to make the regulations conform to the provisions of the act of August 7, 1939 (53 Stat. 1243), the paragraph and section mentioned are hereby amended to read as follows:

Sec. 79.29 (Paragraph 14) Timber on School Sections and on Withdrawn Lands. The act of August 7, 1939 (53 Stat. 1243), provides that timber on the lands reserved to the Territory of Alaska, for educational uses, by the act of March 4, 1915 (38 Stat. 1214), may be sold by the Secretary of the Interior under the provisions of Sec. 11 of the act of May 14, 1898 (30 Stat. 414), and appropriates and sets apart the entire proceeds from the sale of timber on such reserved lands as permanent funds in the Territorial treasury. In accordance with such provisions, the regulations contained in Circular No. 1393, dated June 20, 1936 (Secs. 79.15 - 79.33), are hereby made applicable to timber upon the sections 16, 33 and 36, to which the Territorial rights have attached under the reservation made to the Territory, for educational uses, by the act of March 4, 1915 (38 Stat. 1214). Where such sale is made, the proceeds shall be deposited in the Treasury under the receipt title "6003 Proceeds of Mineral or Reserved Lands, Tanana Valley, Alaska - Special Account." The regulations are inapplicable to timber upon withdrawn areas unless the order of withdrawal permits.

The surveyed sections 16, 33 and 36, described in the act of March 4, 1915, to which the Territorial rights have not attached because of their known mineral character at the date of acceptance of the survey thereof by the Commissioner of the General Land Office, are also subject to the provisions of the act of May 14, 1898, for the sale of timber thereon, the proceeds therefrom to be deposited in the Treasury under the same receipt title as above indicated.

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Although the provisions of Section 11 of the act of May 14, 1898, for the sale of timber, are applicable to the unsurveyed lands in Secs. 16, 33 and 36 in Alaska, there is no provision of law for appropriating the proceeds from such sale as permanent funds in the Territorial treasury.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 19, 1940

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under authority of the act of August 7, 1939 (53 Stat. 1243).

1477

112236

Circular No. 1478 -- Obsolete - Replaced by Circ. 1832 & Circ. 1852 & 1815

REGULATIONS GOVERNING THE DISPOSITION OF MINERALS IN LANDS RESERVED TO THE TERRITORY OF ALASKA FOR EDUCATIONAL USES

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

The following sections are hereby added to Title 43 of the Code of Federal Regulations, Chapter 1, Subchapter A--Alaska:

SCHOOL SECTIONS

Sec. 69.19 Statutory Authority. Mining Claims. The Act of August 7, 1939 (53 Stat. 1243) amended section 1 of the Act of March 4, 1915 (38 Stat. 1214) to provide that the lands reserved to the Territory of Alaska for educational uses and the minerals therein shall be subject to disposition under the mining and mineral leasing laws of the United States, upon conditions providing for compensation to any Territorial lessee for any resulting damages to crops or improvements on such lands, and that the entire proceeds or income derived by the United States from such disposition of the lands or the minerals therein shall be appropriated and set apart as permanent funds in the Territorial treasury.

The Act of August 7, 1939 applies to the lands in Secs. 16 and 36 in each township in the Territory, and Sec. 33 in each township in the Tanana Valley between parallels 64° and 65° of north latitude and between meridians 145° and 152° of west longitude, which have been surveyed and were not of known mineral character at the time of the acceptance of the survey, and any such numbered sections in other townships hereafter surveyed and not of known mineral character at the time of the acceptance of the survey. The Act does not apply to such numbered sections to which the reservation for the Territory has not attached either because the lands have not been surveyed or because of their known mineral character at the date of the acceptance of the survey, which lands are subject to the operation of the mining and mineral leasing laws, in like manner as other public lands.

69.20 Mining Locations, Entries and Patents. Under the provisions of the amendatory Act of August 7, 1939, lands in the reserved school sections are subject to location, entry and patent under the mining laws, subject to all the conditions thereof applicable to the Territory and with the additional condition that in cases where the lands are under lease from the Territory at the time of prospecting for mineral or making a mining location,

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the prospector or locator will be liable to and shall compensate such lessee for resulting damages to the crops and improvements of such lessee by reason of prospecting or mining operations. The Act also provides that any lease issued by the Territory for such reserved lands after a valid appropriation under the mining laws shall be with due regard to the rights of the mineral claimant. Controversies between Territorial lessees and mineral prospectors or owners of mining claims on the same lands involving the right of possession, occupancy and use of the lands, or liability for damages, are matters within the jurisdiction of the local courts.

SCHOOL SECTIONS

70.28 Coal Permits and Leases. Under the provisions of the Act of August 7, 1939 (53 Stat. 1243), coal permits and leases may be issued under the Leasing Act of October 20, 1914 (38 Stat. 741), as amended, and the regulations thereunder (Secs. 70.1 - 70.27), on the lands reserved to the Territory of Alaska for educational uses by section 1 of the Act of March 4, 1915 (38 Stat. 1214), as set forth in Sec. 69.19.

70.29 Occupation and Use of Surface by Coal Permittees or Lessees. Permits and leases issued for such lands will be subject to the additional condition provided by the Act of August 7, 1939 that in cases where the permit or lease is issued after leases have been issued for the land by the Territory, the permittee or lessee shall compensate the Territorial lessee for any resulting damages to crops or improvements on such lands incurred while prospecting for or removing coal from the land. The Act also provides that any lease issued by the Territory for such reserved lands after a valid appropriation under the mineral leasing laws of the United States shall be with due regard to the rights of the mineral claimant. Controversies between Territorial lessees and coal permittees or lessees on the same lands involving the right of possession, occupancy and use of the lands, or liability for damages, are matters within the jurisdiction of the local courts.

SCHOOL SECTIONS

71.12 Potash and Sodium Permits and Leases and Oil and Gas, Phosphate and Oil Shale Leases. Under the provisions of the Act of August 7, 1939 (53 Stat. 1243) any person having acquired a permit or lease from the United States for the prospecting for or mining potash, sodium, oil, gas, phosphate or oil shale deposits from the lands reserved to the Territory of Alaska for educational purposes by the Act of March 4, 1915 (38 Stat. 1214), as set forth in Sec. 69.19, shall compensate the Territorial lessee for any resulting damages to crops or improvements on such lands where the mineral permit or lease shall be issued after the issuance of the Territorial lease. The Act also provides that any lease issued by the Territory for such reserved

lands after a lease has been issued under the mineral leasing laws shall be with due regard to the rights of the mineral claimant. Controversies between Territorial lessees and permittees or lessees under the mineral leasing laws on the same lands involving the right of possession, occupancy and use of the lands, or liability for damages, are matters within the jurisdiction of the local courts.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 19, 1940.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under authority of 53 Stat. 1243.

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CIRCULAR NO. 1480

RELEASE OF LAND GRANT RIGHTS

BY CERTAIN RAILROAD CARRIERS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Sec. 273.61. Statutory authority. Section 321 of Part II of Title III of the Transportation Act of 1940, Public No. 785, 76th Congress, Chapter 722, 3rd Session, Senate 2009, approved on September 18, 1940, eliminates in part, under certain circumstances the preference rates allowed to the United States Government in connection with its transportation requirements by railroad carriers, and makes specific requirements which land grant railroads must meet in order to benefit from its provisions.

273.62. Railroad Carriers, Government Transportation Charges. By subsection (a) of Section 321, the United States is required to pay, subject to certain provisions of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares or charges for transportation by a railroad carrier, other than for the transportation of military or naval property for military or naval and not civil use, or the military or naval forces traveling on official duty and their property, or the carriage of the mail.

273.63. Land Grant Railroads. Release of their Land Grant Rights. By subsection (b) of section 321, it is provided further that if a carrier furnishing such transportation, or a predecessor in interest, received a land grant from the United States to aid in the construction of any portion of its railroad, the provisions of law relating to compensation for such transportation shall continue to apply as though subsection (a) of section 321 had not been enacted, until the carrier shall file with the Secretary of the Interior in the form and manner prescribed by him a release of any claim it may have to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands so granted, claimed to have been granted or claimed should have been granted. This release must be filed on or before September 18, 1941. The act does not require the carrier to reconvey land already patented or certified for its benefit, or prevent the issuance of patents confirming the title to land which the Secretary of the Interior shall find has been sold by the carrier prior to September 18, 1940, to an innocent purchaser for value or prevent the issuance of patents for land listed or selected by the carrier, where the listing or selection was fully and finally approved by the Secretary of the Interior prior to September 18, 1940, to the extent that the issuance of such patents may be authorized by law.

273.64. Form of Release. The release must be substantially in the following form:

The _____Railroad (Railway) Company, a corporation organized and existing by virtue of the laws of the State of _____, with office and principal place of business at _____, in the State of _____, hereby, in accordance with section 321 of Part II of Title III of the Transportation Act of 1940, and the rules and regulations issued thereunder by the Secretary of the Interior, relinquishes, remises and quitclaims to the United States of America any and all claims of whatever description to lands, interests therein, compensation or reimbursement therefor on account of lands or interests granted, claimed to have been granted or claimed should have been granted by any act of the Congress to the _____ Railroad (Railway) Company or to any predecessor in interest in aid of the construction of any portion of its railroad.

This release does not embrace the rights of way or station grounds of this company, lands sold by the company to innocent purchasers for value prior to September 18, 1940, lands embraced in selections made by the company and approved by the Secretary of the Interior prior to September 18, 1940, or lands which have been patented or certified to the company or any predecessor in interest in aid of the construction of its railroad.

(Followed by seal, signatures, execution and acknowledgment.)

273.65. Manner of release. The following requirements are hereby prescribed as the manner of filing a release:

(a) The release and all papers required therewith must be submitted in quadruplicate.

(b) The release must be filed with the Secretary of the Interior on or before September 18, 1941, in the form prescribed by section 273.64. A release must be filed, regardless of whether or not the carrier has any further right or claim under its land grant, if it wishes to secure the benefits of section 321 (a) of Part II of Title III of the Transportation Act of 1940.

(c) The release must be accompanied by a list of the names of all innocent purchasers for value to whom the carrier has sold any of the unpatented or uncertified lands within the limits of its grant prior to September 18, 1940, if such sales have been made, together with the descriptions of the lands so sold. If no such sale has been made that fact must be shown. The carrier will be required to show that it has not otherwise sold, or encumbered, any of the unpatented or uncertified lands or interests therein within the limits of the grant, if such be the fact. The release will not be approved unless the titles and interests released are free from mortgage liens and other encumbrances.

(d) The original release must be recorded at the carrier's expense in each county in which the released lands, or interests, are situated when returned by the Secretary of the Interior for that purpose, except in the case of carriers whose grants have been finally adjusted and closed.

(e) The release, with satisfactory evidence of recordation, must be submitted to the Secretary of the Interior for approval, with a certificate from the proper county officer of each county in which any of the released lands, or interests, are situated, showing that all taxes which have been assessed against the lands or interests therein or which could have operated as a lien thereon at the date of the recordation of the release have been fully paid, and that the titles and interests also are free from mortgage liens and other encumbrances. If the lands are affected by tax liens, or taxes which are not due and payable at the date of recordation of the release, the carrier will be required to furnish a bond with corporate surety or make a cash deposit in the General Land Office in the sum of at least twice the amount of the taxes for the preceding year. If a cash deposit is made, the same will be returned when a receipt is filed showing that full payment of the taxes has been made.

(f) The execution of the release in the manner provided in this section must be authorized by a resolution of the board of directors of the interested company or in some other legal manner, and should be accompanied by an authenticated copy of such resolution or other authorization. The release must bear the seal of the corporation and be signed, executed, and acknowledged by the proper office for the company.

273.66. Evidence of Successorship. Where evidence of the successorship of the releasing company to the predecessors in interest involved has not been furnished to the Department of the Interior heretofore, and the matter of successorship fully determined, such evidence must be filed in connection with the release.

273.67. Validity. The filing of a release will not be complete and effective for the purpose of enabling the carrier to invoke the benefits of section 321 (a) of Part II of Title III of the Transportation Act of 1940 until it has been filed in the form and manner prescribed by these regulations, and until the release has been approved by the Secretary of the Interior. The company will be given prompt notice of such approval, or other action.

Fred W. Johnson,

Commissioner.

Approved: October 10, 1940.

A. J. Wirtz,

Acting Secretary of the Interior.

These regulations are issued under the authority contained in R. S. 453, 2478, 43 U.S.C. 2, 1201.

STATUTE

Section 321 of Part II of Title III of the Transportation Act of 1940, approved on September 18, 1940, Public No. 785, 76th Congress, Chapter 722, 3rd Session, Senate 2009, is as follows:

Sec. 321. (a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to such Act of any persons or property for the United States, or on its behalf, except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty; and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: Provided, however, That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: Provided further, That Section 3709, Revised Statutes (U.S.C., 1934 edition, title 41, sec. 5), shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed.

(b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it, the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from the date of the enactment of this Act. Nothing in this section shall be construed as requiring any such carrier to reconvey to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of patents confirming the title to such lands as the Secretary of the Interior shall find have been heretofore sold by any such carrier to an innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been fully and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law.

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Still in effect 5/27/54 BB.

See Circ. 302, 1850 + 1861

Circular No. 1481

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

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RIGHTS OF PUBLIC LAND CLAIMANTS UNDER THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

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Circular No. 1481

RIGHTS OF PUBLIC LAND CLAIMANTS UNDER THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 23, 1940

Section 181.20 Statutory authority; duration of Act. The Act of October 17, 1940 (Public No. 861), known as the "Soldiers' and Sailors' Civil Relief Act of 1940", extends relief and benefits to persons in the military service, including those set forth in sections 181.21 to 181.35, inclusive, of these regulations. Section 604 of the Act provides that the Act shall remain in force until May 15, 1945 but that should the United States be then engaged in a war, the Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter. It also provides that wherever under any section or provision of the Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date therein fixed for the termination of the Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction. – See Circ. 18

181.21 Definitions. The following definitions, contained in section 101 of the Soldiers' and Sailors' Civil Relief Act of 1940, are adopted as definitions for the purpose of these regulations:

(a) The term "persons in the military service" shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy.

(b) The term "military service" shall signify federal service on active duty with any branch of service above referred to as well as training or education under the supervision of the United States preliminary to induction into the military service and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(c) The term "period of military service" and equivalent terms, shall include the time between the following dates: For persons in the active service on October 17, 1940, it shall begin with that date; for persons entering the active service

after the date mentioned, it shall begin with the date of entering the active service. It shall terminate with the date of discharge from active service or death while in the service, but in no case later than the date when the Soldiers' and Sailors' Civil Relief Act of 1940 ceases to be in force.

181.22 Claims protected from forfeiture. No right to any public land owned or controlled by the United States, initiated or acquired under any laws of the United States, including the general mining and mineral leasing laws, by any person prior to entering the military service will during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon, or for failure to do any other Act required by or under such laws. (Sec. 501, Soldiers' and Sailors' Civil Relief Act of 1940)

181.23 Rights not affected. No public land claimant in the military service will be denied the right to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering the military service. (Sec. 507, Soldiers' and Sailors' Civil Relief Act of 1940)

181.24 Notice of military service. The claimant must give notice of his military service on Form 4-975, which is attached to and made a part of these regulations, or its substantial equivalent, to the land office for the district in which the land is situated, or, if there is no district land office in the State, to the General Land Office, Washington, D. C., on or before April 17, 1941, or within 6 months after his entrance into the military service, in order to obtain the relief and benefits extended by the Soldiers' and Sailors' Civil Relief Act of 1940, in connection with an application, entry, lease, permit or license, or settlement or other right or claim initiated or acquired under the public land laws prior to entering the military service (except a mining location). The notice should be sent by registered mail, unless it is filed in the proper office personally, by the claimant or his agent. The holder of a mining location must give notice of his military service before the close of the assessment year, which ends at noon of July 1 of each year, in accordance with paragraph (b) of section 181.29. (Secs. 504-507, 509, Soldiers' and Sailors' Civil Relief Act of 1940)

181.25 Execution of affidavits. A person in the military service may execute any affidavit or submit any proof required by law or the regulations of the General Land Office, in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which he is engaged. Such affidavit will be as binding in law, and with like penalties, as if taken before a register of a district land office. (Sec. 507, Soldiers' and Sailors' Civil Relief Act of 1940)

181.26 Rights of minors. Any person under 21 years of age who serves in the military service while the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, will be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over 21 possess under such laws. Any requirement as to the establishment of residence within a limited time will be suspended as to entry by such person until 6 months after his discharge from the military service. An application for entry by such person may be verified before any officer in the United States or any foreign country whose authority to administer oaths is recognized by the laws of the State or Territory in which the claim is situated. (Sec. 511, Soldiers' And Sailors' Civil Relief Act of 1940)

181.27 Homesteads. Homestead claimants are entitled to the following relief and benefits, in addition to the protection of their claims from forfeiture, as provided in section 181.22:

(a) Credit for military service. Any person having a valid homestead settlement claim, or any person who has made homestead application for public lands which is allowed after the date of the filing thereof, or any homestead entryman whose application has been allowed, who after such settlement, application or entry enters the military service, is entitled, in the administration of the homestead laws, to have his military service construed to be equivalent to residence and cultivation upon the tract settled upon or entered, for the period of such service. Moreover, if he is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability will be deducted from the required length of residence, without reference to the time of actual service. No patent will issue, however, until he has resided upon, improved and cultivated his homestead for a period of at least one year. He will be entitled during each year's required residence to a five months' leave of absence, in like manner as any other homesteader.

In order to obtain the credit mentioned, notice of military service must be given in accordance with section 181.24.

(b) Credit for physical disabilities due to military service. Any person entitled to credit for military service who is honorably discharged and because of physical incapacity due to such service is unable to return to the land, may make proof, regardless of whether or not one year's residence, improvements and cultivation have been had, without further residence, improvements or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

(c) Farm labor by homesteader during war. During the pendency of any war in which the United States may be engaged while the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, any homestead entryman will be entitled to a leave of absence from his entry for the purpose of performing farm labor. The Act does not authorize such leave of absence, if the United States does not engage in war. The time actually spent in farm labor will be counted as constructive residence, if within 15 days after leaving his entry to engage in such labor the entryman files in the land office for the district in which his entry is situated, or in the General Land Office if there is no district land office in the State, a notice of absence from the land, and if at the expiration of the calendar year the entryman files in the proper office a written statement under oath and corroborated by two witnesses giving the date or dates when he left the entry, the date or dates of his return, and the place where and the person for whom he was engaged in farm labor during the period or periods of his absence.

The above provisions will not excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law, and they will apply only to persons whose applications were allowed or filed prior to October 17, 1940.

(d) Widow, heirs and minor children of homesteader. If any person having a valid settlement claim or a pending or allowed homestead application dies while in the military service or as a result of such service his widow, if unmarried, or in the case of her marriage or death, his minor children or his or their legal representatives, may submit final proof without showing further residence, cultivation or improvements. If the deceased claimant had a valid homestead settlement claim for which application had not been filed, a homestead application based thereon must be presented. If the claim is on unsurveyed land, a homestead application can not be presented until the land has been surveyed. In such case, request for survey should be made as promptly as possible, accompanied by a duly corroborated affidavit showing when the settlement claim was made, the periods during which deceased claimant resided upon and cultivated the land, and the facts as to his military service. The death of the claimant while in the military service or as a result of such service will be construed to be equivalent to a performance of all requirements as to residence and cultivation upon the homestead claim. Upon the submission of satisfactory proof, patent will be issued to the person or persons entitled thereto.

(e) Contest of homestead. On and after October 17, 1940, and as long as the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, no application to contest a homestead

entry made or applied for prior to the entrance of the entryman into the military service, will be allowed, or adverse proceedings against such entry ordered, on the ground of abandonment, unless there is an allegation therein that the entryman's alleged absence from the land was not due to his military service. No allegation of abandonment will be sustained against a homestead settler or entryman in connection with such contest, unless it is proved at the hearing, if one be had, that the claimant's alleged absence from the land was not due to such military service.

The Register will reject an application to contest a homestead entry on the charge of abandonment, if he finds that it was filed during the period of the entryman's military service, or during any period of hospitalization of the claimant because of wounds received or disability incurred in the line of duty. If any charge other than or in addition to abandonment is made, or if the claimant enters the military service or is hospitalized after the contest application is filed, the proceedings will be suspended for the period of such service or hospitalization. (Secs. 501-503, 510, Soldiers' and Sailors' Civil Relief Act of 1940)

181.28 Desert land entries. Desert land claimants are entitled to the following relief and benefits, in addition to the protection of their claims from forfeiture, as provided in section 181.22:

(a) Credit for military service. No desert land entry made or held under the desert land laws prior to the entrance of the entryman or his successor in interest into the military service, will be subject to contest or cancelation for failure to make or expend the sum of one dollar per acre per year in improvements on the land or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in the military service or during a period of 6 months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land will be exclusive of his period of service and the six months' period and any such period of hospitalization.

In order to obtain the benefits mentioned, notice of military service must be given in accordance with section 181.24.

(b) Credit for physical incapacities due to military service. Any person who is entitled to credit for military service who is honorably discharged and because of physical incapacities due to his military service and who is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation or payment and receive patent for the land entered or claimed.

(c) Contest of desert land entry. On and after October 17, 1940, and as long as the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, no application to contest a desert land entry made or applied for prior to the entrance of the claimant into the military service will be allowed, or adverse proceedings against such entry ordered, for failure of the claimant to make or expend the sum of one dollar per acre per year in improvements upon the claim, or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in the military service, or during a period of six months thereafter, or during any period of hospitalization because of wounds or disability incurred in the line of duty, unless there is an allegation therein that the alleged default did not occur during such military service or hospitalization. No allegation of such default will be sustained against a desert land claimant in connection with such contest unless it is proved at the hearing, if one be had, that the alleged default did not occur during such military service or hospitalization, as indicated.

Any contest proceedings involving a desert land entry, brought either before or after the claimant enters the military service, will be suspended for the period of such service and for six months thereafter, and during any period of hospitalization of the claimant because of wounds or disability incurred in the line of duty. (Secs. 501, 504, Soldiers' and Sailors' Civil Relief Act of 1940)

181.29 Mining claims. The relief and benefits extended because of military service and the requirement as to notice of such service, made by section 505 of the Soldiers' and Sailors' Civil Relief Act of 1940, in connection with mining claims, are as follows:

(a) Claims protected from forfeiture. The provisions of section 2324 of the Revised Statutes, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, will not apply during the period of the claimant's military service, or until 6 months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in the line of duty, to claims or interests in claims which are owned by such person and which have been regularly located and recorded. No mining claim nor any interest in a claim which is owned by such a person and which has been regularly located and recorded will be subject to forfeiture for nonperformance of the annual assessment labor during the period of such military service, or until 6 months after the termination of such service, or of such hospitalization.

(b) Notice of military service. The holder of a mining location who desires to obtain the relief and protection mentioned in paragraph (a) of this section, must, before the expiration of the

assessment year during which he enters the military service, file or cause to be filed in the county recording office in which the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold the mining claim under section 505 of the Soldiers' and Sailors' Civil Relief Act of 1940. The notice may be given on Form 4-975, which is attached to and made a part of these regulations. (Secs. 505, 509, Soldiers' and Sailors' Civil Relief Act of 1940)1/

181.30 Installment payments for land, under homestead and other entries. Where under the law under which a particular entry was made, installment payments for the land become due during the period of the military service, such period will not be considered a part of the aggregate period of time originally allowed for the completion of such payments and the time for the making of the payments will be appropriately extended. Where the term of the military service is one year or less, the time of payment of each installment maturing during or after such term will be extended for one year; where the term of service is between one and two years, the extension will be for two years; and similar extensions will be granted for longer terms of service. The payment so extended will be due upon the same day of the year as is now required and no interest will be charged during the period of the suspension. (Sec. 501, Soldiers' and Sailors' Civil Relief Act of 1940)

181.31 Relief under leases, permits, licenses, etc. No mineral or grazing lease, or any mineral, timber or other permit or license, or any application for such lease, permit or license, or any right or claim which has been applied for or acquired under the public land laws by any person prior to entering the military service, will, during the period of such service, be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or to make any improvements thereon, or his failure to do any other act required by or under such laws.

Where during the period of the military service, the claimant or his agent continues to operate or to make use of the land in accordance with the terms of the lease, permit or other right, the rentals, royalties and other obligations will become due and payable as provided by such instrument. If in a particular case the ability of the claimant to make such payment has been affected materially by reason of his military service, a showing of the facts may be made in affidavit form and such relief as may be deemed appropriate will be granted. (Sec. 501, Soldiers' and Sailors' Civil Relief Act of 1940)

1/ If application for patent to the mining claim has been made, notice of the military service must also be filed in the proper district land office, or if there is no such office in the State, it must be filed in the General Land Office, in accordance with Section 181.24.

181.32 Suspensions of leases, permits, licenses, etc. The regulations in this section for the suspension of leases, permits, licenses, etc. are based on the general protection accorded all claims, contained in section 501 of the Soldiers' and Sailors' Relief Act of 1940, the specific authority for the suspension of leases and permits issued under the Federal mineral leasing laws, contained in section 506 of the Act, and the general authority conferred on the Secretary of the Interior to issue rules and regulations, contained in section 507 of the Act.

Any person having a mineral lease or permit, a grazing lease, or any lease, permit, license or other right involving the public lands, under the administration of the General Land Office, including claims the suspension of which is not specifically authorized by any section of the Act, who enters the military service may, at his election, suspend all operations under such instrument for a period of time equivalent to the period of his military service and 6 months thereafter. The term of the lease or permit will not run during the period of such suspension, no rentals or royalties for the period of the suspension will be charged, and no use of the land during such period by the claimant or his agent under such instrument may be made.

In order to obtain the benefits mentioned, notice of military service must be given in accordance with section 181.24.

The suspension of a lease, permit, license, etc. will not be construed to supersede the terms of any contract for the operation thereof. (Secs. 501, 506, 507, 509, Soldiers' and Sailors' Civil Relief Act of 1940)

181.33 Service with allies. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which it engages while the Soldiers' and Sailors' Civil Relief Act of 1940 is in force, will be entitled to the relief and benefits afforded thereby, if such service is similar to military service as defined in such Act and in section 181.21, and if they are honorably discharged and resume United States citizenship, or die in the service of the allied forces, or as a result of such service. (Sec. 512, Soldiers' and Sailors' Civil Relief Act of 1940)

181.34 Statutes superseded; statute repealed. Section 605 of the Soldiers' and Sailors' Civil Relief Act of 1940 makes the provisions of section 4 of the joint resolution approved August 27, 1940 (Public Resolution No. 96, 76th Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, inapplicable to any military service performed after October 17, 1940. Paragraph 3 of section 503 of the act first

mentioned repeals the Act of July 28, 1917 (40 Stat. 248). (Secs. 503, 605, Soldiers' and Sailors' Civil Relief Act of 1940)2/

181.35 Part title amended. In view of the regulations herein added to Part 181, entitled "Soldiers' and Sailors' Homestead Rights," the title of that part is hereby amended to read, "Public Land Rights of Soldiers and Sailors."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: November 23, 1940.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in Sec. 507 of the Soldiers' and Sailors' Civil Relief Act of 1940.

2/ Section 4 of Public Resolution No. 96 of August 27, 1940, extended the benefits of certain provisions of the Soldiers' and Sailors' Civil Relief Act of March 8, 1918 (40 Stat. 440-448), including section 501, to all National Guard, Reserve and Retired Personnel, ordered into the military service under authority of its provisions, so long as such personnel are in such service and for 60 days thereafter.

Section 13 of the Selective Training and Service Act of 1940, extended the same benefits to persons who are inducted into the land or naval forces under the authority of its provisions and to all members of any reserve component of such forces then or thereafter on active duty for a period of more than one month.

The Act of July 28, 1917 (40 Stat. 248), extended certain relief to homestead entrymen or settlers who enter the military or naval service of the United States in time of war. The Soldiers' and Sailors' Civil Relief Act of 1940 extends substantially the same relief to those who are entitled to its benefits.

122331

Form 4-975

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

_____
(Location of district land office) Serial No._____

NOTICE OF MILITARY SERVICE IN CONNECTION
WITH PUBLIC LAND CLAIM

The undersigned_____
(Give full Christian name and surname)

whose permanent or home address is_____,
(Street and number or other address)

_____, hereby gives notice of his military service
(City or town, and State)

and that he desires to hold the public land claim described in this notice, and secure the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, in connection therewith.

(1) Kind of claim (homestead, oil and gas lease, etc.)_____

_____

(2) In the case of a valid homestead settlement claim, or other claim for which no application has been filed, state when the claim was initiated and how it has been maintained. _____

_____

(3) Describe the land involved sufficiently to identify it. Give legal subdivisions, section, township and range numbers, whenever possible. _____

_____

_____

(4) Date of claimant's entrance into active military service. _____

_____

(5) Claimant's army serial or navy service number_____

(6) Military organization to which the claimant is assigned and army station at which he is serving, or the ship or naval station to which he is attached_____

_____

(7) Claimant's election, if he holds a lease, permit, license, etc.

(a) To have the instrument continue in force during the period of his military service, in accordance with its terms, or

(b) To have the instrument suspended for a period of time equivalent to the period of the military service and six months thereafter.

Election selected_____
(a) or (b)

(8) Name and address of person to whom claimant has entrusted the management of the property during the period of his military service, and to whom copies of notices involving his claim may be sent, and the relationship, if any, to him_____

_____

(9) Names and addresses of relatives or others who will succeed to the claim in the event of claimant's death. _____

_____

_____

_____
(Signature of claimant)

Note. This notice, Form 4-975, is to be used for giving notice of military service in connection with a public land claim under the administration of the General Land Office. The notice must be given on this form, or its substantial equivalent, to the land office for the district in which the land is situated, or, if there is no such office in the State, it must be given to the General Land Office, Washington, D. C., except for a mining claim. If the claimant was in the active military service on October 17, 1940, the notice must be filed in the proper office on or before April 17, 1941. Persons entering the military service after October 17, 1940, must give notice thereof within six months after their entrance into the service. The notice should be sent

by registered mail, unless it is filed in the proper office personally, by the claimant or his agent. If filed personally by the claimant or his agent, the register will give such person a written acknowledgment of the receipt of the notice. A separate notice should be given for each application, entry, lease, permit, license, etc. Notice of military service in connection with a mining claim must be filed in the county recording office in which the location notice or certificate is recorded, before the close of the assessment year, which ends at noon on July 1 of each year.

The term "military service," as used in this notice, signifies Federal service on active duty with any branch of the United States Army or Navy, the Marine Corps, the Coast Guard, all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy, and also training or education under the supervision of the United States, preliminary to induction into the military service.

Detailed information as to the protection secured by the filing of this notice is contained in General Land Office Circular No. 1481.

121404

Circular No. 1482

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITE OF KETCHUM, IDAHO

- - - - - - -

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory authority. The lots in the town site of Ketchum, Idaho, will be disposed of under the Act of Congress approved July 11, 1940 (Private No. 496, 76th Congress), and sections 2382 to 2386, inclusive, of the Revised Statutes. The Act provides that if within three years from the date of its enactment it shall be shown to the satisfaction of the Secretary of the Interior that any lot in the town site

> "has been held in good faith in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than ten years next preceding the date of enactment of this Act under claim or color of title"

and that (a) "during such time valuable improvements have been placed on such lot" or (b) "taxes levied on such lot have been paid", the Secretary in his discretion may cause a patent to issue for the lot upon the payment of such price as may be fixed by the Secretary of the Interior in conformity with the Act. The Act requires a notice of intention to purchase to be posted for a period of thirty days in the land office for the district in which the land is situated and published for four consecutive weeks in some newspaper designated by the Secretary of the Interior.

2. Survey. Pursuant to Section 2382 of the Revised Statutes, a survey of the town site was made under the supervision of three local citizens and a plat thereof was executed on July 27, 1881.

3. Area and price of lots. The area of each lot to be sold and the price thereof, as fixed by the Secretary of the Interior in conformity with the Act, are shown on the attached schedule.

The purchase price of the lots must be paid to the Register of the District Land Office at Blackfoot, Idaho, at the time of the filing of the application.

4. Application. Claimants desiring to avail themselves of the provisions of the Act of July 11, 1940, must within three years from the date of its enactment file an application in the District Land Office at Blackfoot, Idaho.

Ketchum town 1482 Lots

No special form of application will be required. The application, however, must be under oath and in typewritten form, or in legible manuscript, and should set forth:

(a) The full name and post office address of the claimant.

(b) Whether claimant is 21 years of age or over; male or female; married or single; and whether a native-born or naturalized citizen of the United States.

(c) An accurate description of the land sought, identifying it according to the official plat of survey executed July 27, 1881.

(d) That the lot or lots applied for have been held in good faith and in peaceful, adverse possession by the claimant, his ancestors or grantors for more than 10 years next preceding the date of the Act, under claim or color of title and during that time either

(I) That valuable improvements have been placed on the land, or

(II) That the taxes levied thereon for the 10-year period on which the application is based have been paid by the applicant or his predecessors in interest.

(e) Whether or not any portion of the land applied for is claimed, occupied, or used adversely to the applicant. If so, the facts must be stated.

(f) Whether the applicant has filed any other claim under the Act of July 11, 1940, and if so, sufficient reference thereto for identification.

At the time of filing the application and in support thereof, claimant must submit additional evidence as shown below.

5. Citizenship. If the claimant is a naturalized citizen of the United States, satisfactory evidence thereof must be submitted. This may consist of the original certificate of naturalization, which will be promptly returned to the applicant after examination by the General Land Office. In lieu thereof, claimant may show the facts as to his citizenship status, which should include a statement as to the date of his naturalization, the title and location of the court in which the proceedings were instituted and when available, the number of the document in question, if the proceedings were instituted since September 26, 1906. In cases of naturalization prior to September 27, 1906, there should also be

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given the date and place of the applicant's birth and the foreign country of which he was a citizen or subject. If the claimant is a married woman, the facts establishing her citizenship and that of her husband must be shown in accordance with Circular No. 1248, April 18, 1931 (53 I. D. 374; 43 C. F. R. 137.3, 137.4).

6. Possession of the land. If the applicant bases his claim upon matters of record, under color of title, he will be required to file an abstract of title certified to by a competent abstracter, setting forth all conveyances and transactions of record affecting the land up to the date of filing his application.

If he is not claiming as a record owner, he will be required to file an affidavit, corroborated by two witnesses having knowledge of the facts, showing the basis of his claim and setting forth:

(a) The names of all the intermediate possessors of the land during the 10 years immediately prior to the filing of his application.

(b) The manner in which each intermediate possessor acquired the land.

(c) The period of time each intermediate possessor held the land.

(d) The use and maintenance of the land by each intermediate possessor.

(e) The date the claimant acquired possession of the land, and the use and maintenance thereof by him.

(f) Any other available facts tending to establish the claimant's peaceful, adverse possession of the land for the period required.

7. Improvements or taxes. If improvements on the land are relied upon to support the claim, there must be incorporated in an affidavit, duly corroborated by two disinterested witnesses, a showing as to the nature, value, and location of the improvements, and when and by whom they were made.

If the payment of taxes for 10 years is relied upon, a statement showing the facts as to the payment of such taxes must be furnished. The evidence as to the payment of the taxes may be certified to by a responsible abstracter, or be in the form of tax receipts, or of a certificate issued under the hand and seal of the proper county official charged by law with the custody of such records.

8. Conflicts. The records of the General Land Office show that a right-of-way for Idaho Federal Aid Highway Project No. 26-D 2 (U. S. Highway No. 93), approved January 15, 1938, crosses several of the unpatented

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lots. Some of the lots are crossed by a line of constructed road of the Oregon Short Line Railway Company. Various lots involved may be affected by other occupancies, uses, or conflicting claims. Appropriate adjudication will be made by the General Land Office of all applications involving conflicts, and where found necessary or advisable revaluation of lots may be directed.

9. Publication. At the time of filing the application, submission of the evidence above required and the payment of the purchase price, the Register, except in cases of conflict or other proper objection, will prepare a notice of the filing of the application, to be published once a week for four consecutive weeks at the expense of the applicant in a newspaper of general circulation in the vicinity of the land applied for. A copy of the notice will be posted in the District Land Office at Blackfoot during the entire period of publication. The notice will provide that objections to the allowance of the application must be filed in the office of the Register within 30 days from the date of the last publication. In order to reduce expense and upon the request of the applicants, the Register may, when expedient, include in the notice any number of applications. Before a certificate is issued, the applicant must file a copy of the notice, accompanied by the affidavit of the publisher or other proper official of the newspaper, to the effect that the notice was published in the manner and for the time required. In case of conflict, or where there is any other good reason for so doing, the Register will not order publication but will transmit the application to the General Land Office for consideration.

10. Certificate. Upon the filing of a satisfactory application, submission of proof, and payment as provided above, and in the absence of any protest, conflict, or other objection, the Register will issue a town lot certificate on Form No. 4-198.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: November 13, 1940.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

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SCHEDULE OF PRICES

LOTS IN KETCHUM TOWN SITE, IDAHO

Block	Lot	Area in sq. feet	Price
1	8	5,500	$40.00
6	3	5,500	35.00
9	5	5,500	18.00
9	6	5,500	18.00
9	7	5,500	18.00
9	8	5,500	18.00
10	2	5,500	18.00
10	3	5,500	18.00
10	5	5,500	18.00
10	7	5,500	18.00
11	2	5,500	18.00
11	3	5,500	18.00
11	6	5,500	18.00
11	7	5,500	18.00
11	8	5,500	18.00
12	7	5,500	18.00
13	2	5,500	18.00
13	3	5,500	18.00
14	6	5,500	18.00
14	7	5,500	18.00
14	8	5,500	18.00
15	8	5,500	25.00
16	5	5,500	25.00
16	6	5,500	20.00
17	5	5,500	45.00
17	7	5,500	35.00
18	8	5,500	60.00
21	1	5,500	30.00
21	2	5,500	30.00
21	3	5,500	30.00
21	5	5,500	30.00
21	6	5,500	20.00
21	7	5,500	30.00
22	2	5,500	30.00
22	6	5,500	30.00
27	2	5,500	20.00
27	3	5,500	20.00
27	4	5,500	25.00
27	7	5,500	25.00
27	8	5,500	30.00
28	1	5,500	20.00
28	2	5,500	18.00
28	3	5,500	18.00
28	4	5,500	18.00
28	7	5,500	18.00
28	8	5,500	18.00

Block	Lot	Area in sq. feet	Price
29	1	5,500	$18.00
29	2	5,500	18.00
29	3	5,500	18.00
29	4	5,500	18.00
29	5	5,500	18.00
29	6	5,500	18.00
29	7	5,500	18.00
29	8	5,500	18.00
30	1	5,500	18.00
30	2	5,500	18.00
30	3	5,500	18.00
30	4	5,500	18.00
30	5	5,500	18.00
30	6	5,500	18.00
30	7	5,500	18.00
31	1	5,500	18.00
31	2	5,500	18.00
31	3	5,500	18.00
31	4	5,500	18.00
31	5	5,500	18.00
31	6	5,500	18.00
31	7	5,500	18.00
32	1	5,500	18.00
32	2	5,500	18.00
32	3	5,500	18.00
32	4	5,500	18.00
32	5	5,500	18.00
32	6	5,500	18.00
32	7	5,500	18.00
32	8	5,500	18.00
33	1	5,500	18.00
33	2	5,500	18.00
33	3	5,500	18.00
33	4	5,500	18.00
33	5	5,500	18.00
33	6	5,500	18.00
33	7	5,500	18.00
33	8	5,500	18.00
34	2	5,500	18.00
34	3	5,500	18.00
34	4	5,500	18.00
34	5	5,500	18.00
34	6	5,500	18.00
34	7	5,500	18.00
35	1	5,500	18.00
35	3	5,500	18.00

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Block	Lot	Area in sq. feet	Price
35	5	5,500	$18.00
35	6	5,500	18.00
36	2	5,500	20.00
36	5	5,500	18.00
36	6	5,500	18.00
37	8	5,500	25.00
38	6	5,500	20.00
38	7	5,500	20.00
39	2	5,500	40.00
39	7	5,500	30.00
41	1	8,250	30.00
41	2	8,250	30.00
41	5	8,250	30.00
41	6	8,250	30.00
41	7	8,250	30.00
41	8	8,250	30.00
45	7	8,250	30.00
46	7	8,250	30.00
46	8	8,250	30.00
48	1	8,250	30.00
48	2	8,250	30.00
48	3	8,250	30.00
48	4	8,250	30.00
48	5	8,250	30.00
48	6	8,250	30.00
48	7	8,250	30.00
48	8	8,250	30.00
49	1	8,250	30.00
49	2	8,250	30.00
49	3	8,250	30.00
49	4	8,250	30.00
49	5	8,250	30.00
49	6	8,250	30.00
49	7	8,250	30.00
49	8	8,250	30.00
50	1	8,250	30.00
50	2	8,250	30.00
50	3	8,250	30.00
50	4	8,250	30.00
50	5	8,250	30.00
50	6	8,250	30.00
50	7	8,250	30.00
50	8	8,250	30.00
51	2	8,250	30.00
51	3	8,250	30.00
51	4	8,250	30.00

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Block	Lot	Area in sq. feet	Price
51	5	8,250	$30.00
51	6	8,250	30.00
51	7	8,250	30.00
51	8	8,250	30.00
52	1	8,250	30.00
52	2	8,250	30.00
52	3	8,250	30.00
52	4	8,250	30.00
52	5	8,250	30.00
52	6	8,250	30.00
52	7	8,250	30.00
52	8	8,250	30.00
53	1	8,250	30.00
53	2	8,250	30.00
53	3	8,250	30.00
53	4	8,250	30.00
53	5	8,250	30.00
53	6	8,250	30.00
53	7	8,250	30.00
53	8	8,250	30.00
54	1	8,250	30.00
54	2	8,250	30.00
54	3	8,250	30.00
54	4	8,250	30.00
54	5	8,250	30.00
54	6	8,250	30.00
54	7	8,250	30.00
54	8	8,250	30.00
55	1	8,250	30.00
55	2	8,250	30.00
55	5	8,250	30.00
55	6	8,250	30.00
55	7	8,250	30.00
55	8	8,250	30.00
56	1	8,250	30.00
56	2	8,250	30.00
56	3	8,250	30.00
56	5	8,250	30.00
56	6	8,250	30.00
56	7	8,250	30.00
56	8	8,250	30.00
57	2	8,250	30.00
57	4	8,250	30.00
57	5	8,250	30.00
57	6	8,250	30.00
57	7	8,250	30.00
57	8	8,250	30.00

Block	Lot	Area in sq. feet	Price
58	1	8,250	$30.00
58	2	8,250	30.00
58	3	8,250	30.00
58	5	8,250	30.00
58	6	8,250	30.00
58	7	8,250	30.00
58	8	8,250	30.00
61	1	8,250	30.00
61	2	8,250	30.00
61	5	8,250	30.00
61	6	8,250	30.00
62	1	8,250	30.00
62	3	8,250	30.00
62	4	8,250	30.00
62	5	8,250	30.00
62	6	8,250	30.00
62	7	8,250	30.00
62	8	8,250	30.00
63	2	8,250	30.00
63	5	8,250	30.00
63	6	8,250	30.00
63	7	8,250	30.00
63	8	8,250	30.00
64	1	8,250	30.00
64	2	8,250	30.00
64	3	8,250	30.00
64	4	8,250	30.00
64	5	8,250	30.00
64	6	8,250	30.00
64	7	8,250	30.00
64	8	8,250	30.00
65	1	8,250	30.00
65	2	8,250	30.00
65	3	8,250	30.00
65	4	8,250	30.00
66	1	8,250	30.00
66	2	8,250	30.00
66	3	8,250	30.00
66	5	8,250	30.00
66	6	8,250	30.00
66	7	8,250	30.00
67	1	8,250	30.00
67	2	8,250	30.00
67	3	8,250	30.00
67	4	8,250	30.00
67	5	8,250	30.00
67	6	8,250	30.00
67	7	8,250	30.00
67	8	8,250	30.00

Block	Lot	Area in sq. feet	Price
68	1	8,250	$30.00
68	2	8,250	30.00
68	3	8,250	30.00
68	4	8,250	30.00
68	5	8,250	30.00
68	6	8,250	30.00
68	7	8,250	30.00
68	8	8,250	30.00
69	1	8,250	30.00
69	2	8,250	30.00
69	3	8,250	30.00
69	4	8,250	30.00
69	5	8,250	30.00
69	6	8,250	30.00
69	7	8,250	30.00
69	8	8,250	30.00
70	1	8,250	30.00
70	2	8,250	30.00
70	3	8,250	30.00
70	4	8,250	30.00
70	5	7,700	26.00
70	6	7,975	26.00
70	7	8,250	30.00
70	8	8,250	30.00
71	1	5,250	18.00
71	2	8,250	30.00
71	3	8,250	30.00
71	4	4,125	10.00
71	5	8,250	30.00
72	1	8,250	30.00
72	2	8,250	30.00
72	3	8,250	30.00
72	4	8,250	30.00
72	5	8,250	30.00
72	6	8,250	30.00
72	7	8,250	30.00
72	8	8,250	30.00
73	1	8,250	30.00
73	2	8,250	30.00
73	3	8,250	30.00
73	4	8,250	30.00
73	5	8,250	30.00
73	6	8,250	30.00
73	7	8,250	30.00
73	8	8,250	30.00
74	1	8,250	30.00
74	2	8,250	30.00
74	3	8,250	30.00

Block	Lot	Area in sq. feet	Price
74	4	8,250	$30.00
74	5	8,250	30.00
74	6	8,250	30.00
74	7	8,250	30.00
74	8	8,250	30.00
75	1	8,250	30.00
75	2	8,250	30.00
75	3	8,250	30.00
75	4	8,250	30.00
75	5	8,250	30.00
75	6	8,250	30.00
75	7	8,250	30.00
75	8	8,250	30.00
76	1	8,250	30.00
76	2	8,250	30.00
76	3	8,250	30.00
76	4	8,250	30.00
76	5	8,250	30.00
76	6	8,250	30.00
76	7	8,250	30.00
76	8	8,250	30.00
77	1	8,250	30.00
77	2	8,250	30.00
77	3	8,250	30.00
77	4	8,250	30.00
77	5	8,250	30.00
77	6	8,250	30.00
77	7	8,250	30.00
77	8	8,250	30.00
78	1	8,250	30.00
78	2	8,250	30.00
78	3	8,250	30.00
78	4	8,250	30.00
78	5	8,250	30.00
78	6	8,250	30.00
78	7	8,250	30.00
78	8	8,250	30.00
79	1	8,250	30.00
79	2	8,250	30.00
79	3	8,250	30.00
79	4	8,250	30.00
79	5	8,250	30.00
79	6	8,250	30.00
79	7	8,250	30.00
79	8	8,250	30.00
80	1	8,250	30.00
80	2	8,250	30.00
80	3	8,250	30.00
80	4	8,250	30.00

Block	Lot	Area in sq. feet	Price
80	5	8,250	$30.00
80	6	8,250	30.00
80	7	8,250	30.00
80	8	8,250	30.00
80	9	8,250	30.00
80	10	8,250	30.00
80	11	8,250	30.00
80	12	8,250	30.00
81	7	8,250	30.00
81	8	8,250	30.00
81	9	8,250	30.00
81	11	8,250	30.00
81	12	8,250	30.00
82	10	5,000	14.00
82	11	6,325	22.00
82	14	7,425	26.00
82	20	13,750	50.00
85	1	4,250	14.00
86	1	8,250	30.00
86	5	8,250	30.00
86	6	6,200	18.00
86	7	8,250	30.00
86	8	8,250	35.00
88	5	8,250	75.00
88	6	8,250	50.00
88	7	8,250	50.00
90	3	8,250	30.00
90	4	8,250	30.00
90	5	8,250	30.00
90	6	8,250	30.00
90	7	8,250	30.00
90	8	8,250	30.00
91	1	8,250	30.00
91	2	8,250	30.00
91	3	8,250	30.00
91	4	8,250	30.00
91	5	8,250	30.00
91	6	8,250	30.00
91	7	8,250	30.00
91	8	8,250	30.00
92	1	8,250	30.00
92	2	8,250	30.00
92	3	8,250	30.00
92	4	8,250	30.00
92	5	8,250	30.00
92	6	8,250	30.00

Block	Lot	Area in sq. feet	Price
92	7	8,250	$30.00
92	8	8,250	30.00
93	1	8,250	30.00
93	2	8,250	30.00
93	3	8,250	30.00
93	4	8,250	30.00
93	5	8,250	30.00
93	6	8,250	30.00
93	7	8,250	30.00
93	8	8,250	30.00
94	1	8,250	30.00
94	2	8,250	30.00
94	3	8,250	30.00
94	4	8,250	30.00
94	5	8,250	30.00
94	6	8,250	30.00
94	7	8,250	30.00
94	8	8,250	30.00
95	1	5,775	18.00
95	2	5,775	18.00
95	3	5,775	18.00
95	4	5,775	18,00
96	1	5,775	18.00
96	2	5,775	18.00
96	3	5,775	18.00
96	4	5,775	18.00
97	1	5,775	18.00
97	2	5,775	18.00
97	3	5,775	18.00
97	4	5,775	18.00
98	1	5,775	18.00
98	2	5,775	18.00
98	3	5,775	18.00
98	4	5,775	18.00
99	1	5,775	18.00
99	2	5,775	18.00
99	3	5,775	18.00
99	4	5,775	18.00

1482

121599

Office Copy

Circular No. 1483

REGULATIONS GOVERNING SPECIAL LAND-USE PERMITS
FOR PUBLIC LANDS WITHIN OR OUTSIDE OF GRAZING DISTRICTS

Obsolete - See Circ. 1771

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

Replaced by Circular 1916 (11/58)

November 19, 1940

Section 258.1 Statutory authority. Authority to issue special land-use permits for public lands within or outside of grazing districts for purposes other than grazing is found in Section 453 Revised Statutes (43 U.S.C. 2), which provides that the Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise regarding such public lands.

258.2 Policy; use of lands. It is the policy of the Secretary of the Interior, in the administration of the public lands within or outside of grazing districts, to permit, where practical, the beneficial use thereof for special purposes not specifically provided for by the existing public land laws. Permits for such special use will not be issued, however, in any case where the provisions of the existing public land laws may be invoked. For example, they will not be issued to authorize the use of the public lands for home, cabin, camp, health, convalescent, recreational or business sites for which leases may be issued under the act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), or for the development of minerals, or for the securing of rights of way obtainable under existing laws, or for any use directly or indirectly relating to grazing.

The contemplated use must not be in conflict with any Federal or State laws.

An applicant must state in his application the use to which he intends to put the lands, and he will not be permitted to devote them to any other use, unless he secures an additional permit.

258.3 Qualifications of applicants. Any person, over 21 years of age, who is a citizen of the United States, or who has declared his intention to become a citizen, or any group or association composed of such persons, or any corporation organized under the laws of the United States or

of any state or territory thereof, authorized to conduct business in the state in which the land involved is situated, or any agency of the Federal Government, or any State or political subdivision thereof, may file such application.

258.4 Execution of applications. Applications must be executed in duplicate on Form 4-972, which is attached to and made a part hereof. The application must be filed in the proper district land office, or if there is no district land office in the state, it must be filed in the General Land Office. The original application must be sworn to before the register of a district land office, or before a notary public or other officer having a seal and authority to administer oaths in public land cases.1/

258.5 Fees. A fee of $5 will be required with each application, except applications by agencies of the Federal Government and agencies of the States and political subdivisions thereof. The fee paid by an applicant will be returned if the application is rejected.

258.6 Occupancy of land prior to permit. An application for special land-use permit will not entitle the applicant to occupy the land prior to the issuance of a permit. Any occupation of the land prior to the issuance of a permit, or use thereafter except in accordance with the terms of the permit, is hereby prohibited.

258.7 Issuance of permits; other actions; protests. The Commissioner of the General Land Office will issue special land-use permits and except as hereinafter provided will take all action required in connection therewith, including the modification, renewal, assignment and cancelation of the permits, and the disposition of protests and conflicting applications. All proceedings will be in accordance with the Rules of Practice of the Department of the Interior, as amended.

The Commissioner will not issue a special land-use permit in any case embracing lands in a grazing district until the Director of Grazing has reported that the permit, if issued, will not interfere with the proper administration of the grazing district. The permit will be issued on Form 4-972a, attached hereto, and will be subject to all of the conditions stated thereon and to such other conditions as may be added thereto.

258.8 Term of permit; renewal. A special land-use permit may be issued for a period of not exceeding 5 years and will be revocable for any breach of condition thereof. It also will be revocable in the discretion

---

1/ In view of the fact that, as hereinafter provided, each application embracing lands in a grazing district is to be the subject of a report from the Grazing Service, preliminary discussion with the regional grazier concerning any such contemplated application may serve to bring about a common understanding and avoid future delays.

of the Commissioner of the General Land Office, at any time, upon notice, if in his judgment the lands should be devoted to another use. Upon the expiration of a permit, if the permittee has complied with the provisions thereof, he will be considered the preferred applicant for a new permit under regulations then in force, provided no superior claim to the land has been asserted in the meantime.

258.9 Rental. Each permittee will be required to pay to the register, in advance, the annual rental fixed by the permit, which shall be based upon the value of the land for the use to which it is to be put. The annual rental may be adjusted from year to year, in the discretion of the Commissioner of the General Land Office. In no case, however, will the minimum rental charge be fixed at less than $5 per annum.

Special land-use permits applied for by agencies of the Federal Government and agencies of States and political subdivisions thereof may, in the discretion of the Secretary of the Interior, be issued without rental charge.

258.10 Permit area; description and marking of land. A special land-use permit will not be issued for more than 5 acres, except upon a showing of special need, satisfactory to the Commissioner of the General Land Office. The land must be vacant public land, or public land withdrawn or reserved under authority of the Secretary of the Interior, surveyed or unsurveyed. If surveyed, the land must be described in the application by legal subdivisions of the public land surveys. The smallest legal subdivision in a quarter-quarter section or fractional lot that will be considered is 2-1/2 acres. Where, however, a fractional lot contains less than 2-1/2 acres, a permit may be issued for the entire lot. If unsurveyed, the land must be described by metes and bounds, with substantial monuments at each corner and with a tie to a nearby corner of the publicland surveys, if feasible. If such tie is not feasible, the location must be otherwise identified with certainty, preferably with reference to prominent topographic or cultural features. The land must be taken in rectangular form, if at all practicable.

258.11 Land not segregated. A special land-use permit will be subject to valid adverse claims theretofore or thereafter acquired and to the filing of applications and the acquisition of rights by others, as follows:

(a) Applications and selections may be made under nonmineral laws, subject to the revocation of the permit.

(b) The mineral contents in the land shall at all times be subject to prospecting, location, developing, mining, entering, leasing or patenting under the provisions of the applicable general mining laws or mineral leasing laws.

(c) The special land-use permit shall be subject to any permit issued under the act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431-433); to explore for objects of antiquity on the public lands.

(d) The special land-use permit shall not restrict the acquisition by grant or permit of rights of way under existing laws.

258.12 Timber. A special land-use permit will not entitle an applicant to cut and remove timber from the land. If he wishes to cut and remove the timber, application therefor must be made in accordance with the governing laws and regulations.

258.13 Special stipulations in permit. If it is found that unusual conditions or the protection of the public interests require the insertion of special stipulations in the permit, the applicant will be advised thereof prior to its issuance.

258.14 Assignment of permit. A permittee will not be allowed to assign a permit or any interest therein without the approval of the Commissioner of the General Land Office. Proposed assignments must be supported by a statement signed by the assignee agreeing to be bound by the provisions of the permit, if the assignment is approved, and a showing that the assignee possesses the qualifications set out in section 258.3.

258.15 Removal of improvements. The permittee, if all rental charges due the Government have been paid, may remove within such reasonable time as may be allowed by the Commissioner of the General Land Office after the revocation or expiration of a permit, all structures which have been placed upon the premises by him or his assignor. If the permittee fails to make payment of the rental charges within 30 days from receipt of notice requiring payment, or upon revocation or expiration of the permit fails to remove the structures within the time required by the Commissioner, the structures will become the property of the United States.

258.16 Refund. No refund of rentals properly paid will be made because of the revocation of the permit, at any time, or because of interference with or prevention of the exercise of the privileges conferred by the permit by mineral prospectors, locators, licensees, permittees, lessees, or patentees, or by permittees under the act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431-433), or by grantees or permittees of rights of way under existing laws.

(Sgd) Joel David Wolfsohn,

Acting Assistant Commissioner.

Approved: November 19, 1940.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

121599

Form 4-972

(This application must be prepared and filed in duplicate.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Serial No. _____

_____
(Location of district land office)

Receipt No. _____

APPLICATION FOR SPECIAL LAND-USE PERMIT

(1) The undersigned _____
(See footnote, page 2)

of _____, _____
(street and number or other address) (City, or town, and State)

hereby applies for a special land-use permit for vacant public land, described as follows: _____
(See section 258.10 of regulations)

_____

_____

Section _____, Township _____, Range _____, _____ Meridian, containing _____ acres, and agrees that such permit, if issued, may be revoked at any time, in the discretion of the Commissioner of the General Land Office, upon notice.

(2) For what period, not exceeding five years, do you desire a permit? _____

(3) Age and citizenship of applicant, if an individual. _____

_____
(If citizenship is claimed by naturalization, evidence thereof must be furnished)

(4) Is applicant a corporation, partnership or an association? _____

_____
(See footnote, page 2)

(5) Facts as to springs or water holes, if any, on the land, and as to other waters, if any, on or having a relation to the land. _____

_____

_____

(6) From what source do you propose to obtain water for domestic or other use? _____

(7) To the best of your knowledge, does the land contain minerals? _____
If so, state the facts. _____

(8) Does the land contain timber? _____ If so, state the facts.

_____

(A permittee is not entitled to cut timber, unless he obtains a permit to cut it, in accordance with the governing laws and regulations.)

(9) What use do you propose to make of the land? _____

_____

_____

(10) What improvements do you intend to make on the land? _____

_____

(Describe the improvements in detail. Attach drawings, if convenient.)

_____

(11) Give estimated cost of the proposed improvements. $_____
Of the annual maintenance of the proposed improvements. $_____

(12) What sanitation and toilet facilities will be provided? _____

_____

(13) Do you agree to observe all Federal, State and local laws and regulations applicable to the premises and to keep the premises in a neat, orderly and sanitary condition? _____

(14) Is this application made for your own use and benefit? _____

(15) Is the land now improved, occupied or used? _____
If so, by whom and for what purposes? _____
(Name and address)

_____
(Purposes for which land is used)

(16) Have you examined the land? _____ If so, when? _____

_____

_____

Subscribed and sworn to before me at my office at _____,
this _____ day of _____, 19_____.

_____

_____
(Official designation of officer)

Footnote. If the applicant is an individual, he should sign the application with his full Christian name and surname; if a corporation, a certified copy of the articles of incorporation, together with a copy, signed by proper official, of the minutes of the meeting authorizing the filing of the application must be submitted; and if an association or partnership, a copy of the constitution and by-laws, or articles of agreement, and evidence of the citizenship of each member must be furnished.

121599

Form 4-972a

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

_____ Serial No. _____
(Location of district land office)

SPECIAL LAND-USE PERMIT

Permission is hereby granted to

of
to use the following described lands:

for the purpose of

subject to the following conditions:

(1) This permit is issued for the period from 19 to 19 , and is revocable for any breach of the conditions hereof. It is also revocable at the discretion of the Commissioner of the General Land Office, at any time, upon notice, if in his judgment the lands should be devoted to another use. The permit is subject to valid adverse claims heretofore or hereafter acquired.

(2) The permittee shall pay annually, in advance, to the register as rental the sum of dollars, or such other sum as may be required if an adjustment of rental is made.

(3) The permittee shall observe all Federal, State, and local laws and regulations applicable to the premises, including the regulations for the protection of game birds and game animals, and shall keep the premises in a neat, orderly and sanitary condition.

(4) The permittee shall take all reasonable precautions to prevent and suppress forest, brush and grass fires, and to prevent the pollution of waters on or in the vicinity of the lands.

(5) The use or occupancy of the land under this permit shall commence within months from the date hereof and shall be exercised at least days each year.

(6) Authorized representatives of the Department of the Interior and other Federal agencies, and game wardens shall at all times have the right to enter the premises on official business.

(7) The permittee shall not enclose roads or trails commonly in public use.

(8) The permittee shall pay the United States for any damage to its property resulting from this use.

(9) The permittee shall immediately notify the register of the district land office of a change of address.

(10) This permit is subject to all of the provisions of the law and regulations under which it is issued, which, together with the application, are made a part hereof.

(11) Special stipulations:

THE UNITED STATES OF AMERICA

By_____
Commissioner of the General Land Office

Office Copy

134077

Circular No. 1485

PAYMENT OF RENTALS AND ROYALTIES UNDER MINERAL LEASES, PERMITS AND LICENSES

Obsolete See Circ. 1781

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 21, 1941

Section 191.7, title 43, of the Code of Federal Regulations is hereby amended to read as follows:

191.7 Registers designated to receive payments of rentals and royalties; accounting records. To facilitate collecting and accounting for rentals and royalties under the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), and other acts providing for the leasing of mineral lands, beginning January 1, 1941, remittances in payment of rentals and royalties under oil and gas, coal, potash, sodium, phosphate and other mining leases and permits shall be made direct to the register for the land district in which the leased lands are situated. Remittances for leased lands in States where there are no district land offices shall be made direct to the Commissioner of the General Land Office. All remittances shall be made payable to the Treasurer of the United States and shall be accompanied by a letter of transmittal on General Land Office Form No. 4-974 (oil and gas) or Form No. 4-976 (coal, potash, etc.). The transmittal letter shall be in triplicate and shall be completely filled out and signed by the payer. Registers will retain one copy for their files and forward the original and one copy to the General Land Office. The registers shall issue receipts, deposit and account for mineral royalties and rentals the same as other moneys received by them. They shall note on each letter of transmittal (Forms 4-974, 4-976) the number and date of the receipt issued for the remittance and forward the original of the letter to the General Land Office not later than the day following its receipt. A copy of each letter of transmittal will be forwarded by the registers to the General Land Office with the semimonthly returns. Remittances in payment of mineral royalties and rentals made direct to the Commissioner of the General Land Office will be accounted for by the receiving clerk of that office.

The General Land Office will maintain an accounting record of all rentals and royalties due (royalties due being determined by the Geological

Survey) and payments made and will be responsible for making collections and will call upon the Geological Survey to prescribe and enforce any cessation of operations found to be necessary in order to secure collections. (Dept. Order 1527, Oct. 29, 1940.)

(Sgd) Fred W. Johnson,

Commissioner.

Approved: February 21, 1941.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in sec. 32, 41 Stat. 450, sec. 5, 44 Stat. 302, sec. 5, 44 Stat. 1058; 30 U.S.C. 189, 275, 285.

134683

RECEIVED
U.S. LAND OFFICE
BILLINGS, MONT.
MAR 27 1941

Circ 1486 b

Circular No. 1486

TOWNSHIP PLATS OF ACCEPTED SURVEYS NOT OFFICIALLY FILED AVAILABLE TO PUBLIC; NOTICE OF OFFICIAL FILING.

Superseded by Circ. 1715

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 4, 1941

Circular No. 527, dated February 6, 1917 (45 L.D. 648), and section 240.3, Title 43, of the Code of Federal Regulations, based thereon, are hereby amended to read as follows:

240.3 FILING OF TOWNSHIP PLATS. Upon the acceptance of surveys by the General Land Office, and upon receipt of photolithographic editions of the plats, the originals will be returned to the district cadastral engineer of the proper public survey office, accompanied in each case by the triplicate copy for delivery to the register of the appropriate district land office. The duplicate copy will be retained in the General Land Office. The district cadastral engineer and the register will, immediately upon receipt of same, place the plat of record in their open files and report to the Commissioner of the General Land Office the date of such action. Such plat then will be available to the public as a matter of information only with respect to the technical data and land descriptions appearing thereon, and copies of such plat and the related field notes will be furnished on payment of costs, as provided by the existing regulations.

Unless otherwise directed, the register will not regard such plat as officially filed in his office, or the lands as subject to entry and disposal, until the receipt from the General Land Office of instructions for such filing and, thereafter, not until the following regulations have been complied with:

(a) The register will at once post a notice in a conspicuous place in his office, prepared in accordance with the instructions received, specifying the township or part of township that has been surveyed and stating that the plat thereof will be filed in his office on a day to be fixed by him and named in the notice, which shall be not less than 30 days from the date of such notice, and that on and after that day the lands in such township or part of township will be subject to proper disposition.

(b) The register will send a copy of such notice to the postmaster in the town in which the district land office is situated and postmasters of the post offices nearest the land, to the clerk or clerks of courts of record in the town where the land office is located and in the county where the land is situated, and such adjoining county or counties deemed advisable by him.

See also 1486-A

Filing of plats

Circ 1486

(c) The register will also furnish, as a matter of news, copies of the notice to the newspapers published in the town where the land office is situated and in the neighborhood of the land, particularly in the county in which the land is located, and to newspapers known to have a circulation in the vicinity of the land.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: March 4, 1941

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under authority contained in R. S. 453, 2478; 43 U.S.C. 2, 1201.

1486

Circular No. 1486a

See 1486b

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Superseded by Circ. 1715

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 240 - PUBLIC LAND RECORDS

Section 240.3, of the Code of Federal Regulations (Circ. 1486, March 4, 1941), is amended to read as follows:

"240.3 Filing of township plats. Upon the acceptance of surveys by the General Land Office, and upon receipt of photolithographic editions of the plats, the originals will be returned to the district cadastral engineer of the proper public survey office, accompanied in each case by the triplicate copy for delivery to the register of the appropriate district land office. The duplicate copy will be retained in the General Land Office. The district cadastral engineer and the register will, immediately upon receipt of same, place the plat of record in their open files and report to the Commissioner of the General Land Office the date of such action. Such plat then will be available to the public as a matter of information only with respect to the technical data and land descriptions appearing thereon, and copies of such plat and the related field notes will be furnished on payment of costs, as provided by the existing regulations.

(C.F.R. Noted)

"Unless otherwise directed, the register will not regard such plat as officially filed in his office, or the lands as subject to entry and disposal, until the receipt from the general Land Office of instructions for such filing and, thereafter, not until the following regulations have been complied with:

See Circ 1597 and the

See Amendatory Circular #1597

"(a) The register will prepare a notice of the official filing of the plat in accordance with the instructions received for approval by the Commissioner, and will forward two copies of the notice to the Commissioner. The plat will be officially filed in the district land office on a date which will be fixed by the Commissioner, which shall be not less than 30 days from the date of the approval of such notice.

"(b) When a notice of the filing of a plat has been approved, the Commissioner will send immediately a copy thereof to the register and will forward a brief announcement of the filing of the plat to the Division of the Federal Register, The National Archives, for filing and for publication in the Federal Register.

Filing of Plats

1486a

"(c) The register will give publicity to the filing of the plat as follows:

"(1) He will at once post the approved notice in a conspicuous place in his office. The notice must be kept posted until the plat has been officially filed and for such additional time, if any, as may be allowed by the notice for the presentation of preference right claims.

"(2) He will send a copy of the notice to the postmaster in the town in which the district land office is situated and the postmasters of the post offices nearest the land, to the clerk or clerks of courts of record in the town where the land office is located and in the county where the land is situated, and to such officers of any adjoining county or counties deemed advisable by him.

"(3) He will also furnish, as a matter of news, copies of the notice to the newspapers published in the town where the land office is situated and in the neighborhood of the land, particularly in the county in which the land is located, and to newspapers known to have a circulation in the vicinity of the land.

"Where there is no district land office in a State, the Commissioner will prepare all necessary notices, and will give substantially the same publicity to the filing of the plat as is indicated above."

(Sgd) Fred W. Johnson,

Commissioner.

Approved: August 15, 1944.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.

Office Copy
Not to be taken from Office

119776

None in Stock

Circular No. 1486b

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

– Superseded by Circ. 1715

CODE OF FEDERAL REGULATIONS
TITLE 43 – PUBLIC LANDS: INTERIOR

PART 240 – PUBLIC LAND RECORDS

Section 240.3, as amended by Circular 1597 of March 5, 1945, is further amended to read as follows:

Upon acceptance of a survey by the General Land Office, the original plat will be returned to the district cadastral engineer and the triplicate copy sent to the register of the appropriate district land office, by registered mail, with a return receipt requested. The duplicate copy will be retained in the General Land Office. The district cadastral engineer and the register will, immediately upon receipt of the plat, place it of record in their open files. Such plat will then be available to the public as a matter of information only, with respect to the technical data and land descriptions appearing thereon, and copies of such plat and the related field notes will be furnished upon payment of costs as provided in this part. When the register is directed to file the plat without the usual public notice, he will regard such plat as officially filed in his office on the date he signs the registry return receipt. Such return receipt will constitute notice to the General Land Office that the plat has been officially filed on that date.

If public notice of the filing of the plat is to be given, the Commissioner shall prepare the notice for publication in the Federal Register and simultaneously mail a copy of the notice to the register. Unless otherwise directed, the register will regard such plat as officially filed in his office, and the lands as subject to entry and disposal, at the time and in the manner specified in the copy of the notice received by him.

The register will give publicity to the filing of the plat as follows:

(a) He will at once post the approved notice in a conspicuous place in his office. The notice must be kept posted until the plat has been officially filed and for such additional time, if any, as may be allowed by the notice for the presentation of preference right claims.

(b) He will send a copy of the notice to the postmaster in the town in which the district land office is situated and the postmasters of the post offices nearest the land, to the clerk or clerks of courts of record in the town where the land office is located and in the county where the land is situated, and to such officers of any adjoining county or counties deemed advisable by him.

(c) He will also furnish, as a matter of news, copies of the notice to the newspapers published in the town where the land office is situated and in the neighborhood of the land, particularly in the county in which the land is located, and to newspapers known to have a circulation in the vicinity of the land.

Where there is no district land office in a State, the Commissioner will prepare all necessary notices, and will give substantially the same publicity to the filing of the plat as is indicated above.

(R.S. 453, 2478; 43 U.S.C. 2, 1201).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: October 9, 1945.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

office copy

Circular No. 1487

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITES OF DEAVER AND FRANNIE, WYOMING

- - - - - - -

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The lots in the town sites of Deaver and Frannie, Wyoming, will be disposed of in accordance with the act of June 11, 1910 (36 Stat. 465; 43 U. S. C. 564, 565).

2. Area and Price. The area and minimum price of the lots which will be sold are shown by the attached schedule.

3. Public Sale. On August 14, 1941, at 10:00 a. m., at the front door of the Deaver Irrigation District Office, Deaver, Wyoming, a sale at public auction will be held. The Register, District Land Office at Cheyenne, Wyoming, has been designated as superintendent of the sale and Mr. A. E. Beseda as auctioneer.

4. Terms of Sale. Full payment for the lots may be made in cash on the date of sale, or one-fifth in cash and the balance of the purchase price is not to exceed four equal annual installments with interest at six percent per annum on the deferred payments, the deffered payments to be made to the Register, District Land Office at Cheyenne, Wyoming. If the deferred payments are not made when due the money deposited will be forfeited and the lots will be subject to further disposition.

5. Authority of Superintendent. The superintendent conducting the sale is authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale, and all lots remaining unsold after the close of the public sale, and all forfeited lots, will be subject to private entry at the District Land Office at Cheyenne, Wyoming, at the appraised value for cash in full at the time of entry.

6. Reservations. Frannie Town Site was included in Petroleum Reserve No. 41, Wyoming No. 16, by Executive order of December 8, 1915. Therefore, patent must issue on all lots sold in that twon site with a reservation to the United States of all oil and gas content in the land, together with the right to prospect for, mine, and remove the same.

7. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code of the United States (U.S.C., title 18, sec. 113).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 4, 1941.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

TOWN LOTS IN DEAVER, WYOMING

Block	Lot	Area (Square Feet)	Appraisal
35	23	3,500	$75.00
"	24	"	75.00
"	25	"	75.00
"	26	"	75.00
"	27	"	75.00
"	28	"	75.00
"	29	"	75.00
"	31	"	75.00
36	12	"	75.00
"	18	"	25.00
"	20	"	25.00
"	21	"	25.00
"	22	"	25.00
"	23	"	25.00
"	24	"	25.00
"	25	"	25.00
"	26	"	25.00
"	27	"	25.00
"	28	"	25.00
"	29	"	25.00
"	30	"	25.00
37	1	"	25.00
"	2	"	15.00
"	3	"	15.00
"	4	"	15.00
"	5	"	15.00
"	6	"	15.00
"	7	"	15.00
"	8	"	15.00
"	9	"	15.00
"	10	"	15.00
"	11	"	15.00
"	12	"	15.00
"	19	7,000	15.00
"	20	"	15.00
"	21	"	15.00
"	22	"	15.00
"	23	"	15.00
"	24	"	25.00

Block	Lot	Area (Square Feet)	Appraisal
38	1	7,000	$50.00
"	2	"	30.00
"	6	"	30.00
"	9	"	50.00
46	7	"	30.00
47	1	3,500	25.00
"	2	"	15.00
"	3	"	15.00
"	4	"	15.00
"	5	"	15.00
"	6	"	15.00
"	7	"	15.00
"	8	"	15.00
"	9	"	15.00
"	10	"	15.00
"	11	"	15.00
"	12	"	15.00
"	13	"	15.00
"	14	"	15.00
"	15	"	15.00
"	16	"	25.00
"	17	7,000	50.00
"	18	"	30.00
"	19	"	30.00
"	20	"	30.00
"	21	"	30.00
"	22	"	30.00
"	23	"	30.00
48	5	3,500	25.00
"	9	"	25.00
"	11	"	25.00
"	13	"	25.00
"	15	"	25.00
"	20	"	25.00
"	21	"	25.00
"	22	"	25.00
"	23	"	25.00
"	24	"	25.00
"	25	"	25.00
"	26	"	25.00
"	27	"	25.00
49	17	"	35.00
"	18	"	25.00
"	19	"	25.00
"	20	"	25.00
"	21	"	25.00
"	22	"	25.00
"	23	"	25.00
"	24	"	25.00
"	25	"	25.00
"	26	"	25.00

Block	Lot	Area (Square Feet)	Appraisal
49	27	3,500	$25.00
"	29	"	25.00
"	30	"	25.00
62	1	7,000	50.00
"	2	"	30.00
"	3	"	30.00
"	4	"	30.00
"	5	"	30.00
"	6	"	30.00
"	7	"	30.00
"	8	"	50.00
"	9	3,500	25.00
"	10	"	15.00
"	11	"	15.00
"	12	"	15.00
"	13	"	15.00
"	14	"	15.00
"	15	"	15.00
"	16	"	15.00
"	17	"	15.00
"	18	"	15.00
"	19	"	15.00
"	20	"	15.00
"	21	"	15.00
"	22	"	15.00
"	23	"	15.00
"	24	"	25.00
63	1	"	25.00
"	2	"	15.00
"	3	"	15.00
"	4	"	15.00
"	5	"	15.00
"	6	"	15.00
"	7	"	15.00
"	8	"	15.00
"	9	"	15.00
"	10	"	15.00
"	11	"	15.00
"	12	"	15.00
"	13	"	15.00
"	14	"	15.00
"	15	"	15.00
"	16	"	25.00
"	17	"	15.00
"	18	"	15.00
"	19	"	15.00
"	20	"	15.00
"	21	"	15.00

Block	Lot	Area (Square Feet)	Appraisal
63	22	3,500	$15.00
"	23	"	15.00
"	24	"	15.00
"	25	"	15.00
"	26	"	15.00
"	27	"	15.00
"	28	"	15.00
"	29	"	15.00
"	30	"	15.00
"	31	"	15.00
"	32	"	25.00
65	1	7,000	50.00
"	13	"	30.00
"	14	"	30.00
76	1	"	50.00
"	9	"	50.00
"	10	"	30.00
"	11	"	30.00
"	12	"	30.00
"	13	"	30.00
"	14	"	30.00
77	1	"	50.00
"	5	"	30.00
"	6	"	30.00
"	7	"	30.00
"	8	"	50.00
"	9	"	50.00
"	10	"	30.00
"	11	"	30.00
"	12	"	30.00
"	13	"	30.00
"	14	"	30.00
"	15	"	30.00
"	16	"	50.00

TOWN LOTS IN FRANNIE, WYOMING

Block	Lot	Area (Square Feet)	Appraisal
22	1	7,000	$60.00
"	2	"	50.00
"	3	"	50.00
"	4	"	50.00
"	5	"	50.00
"	6	"	50.00
"	7	"	50.00
"	8	"	60.00
"	9	3,500	35.00
"	10	"	25.00
"	11	"	25.00
"	12	"	25.00
"	13	"	25.00
"	14	"	25.00
"	15	"	25.00
"	16	"	25.00
"	17	"	25.00
"	18	"	25.00
"	19	"	25.00
"	20	"	25.00
"	21	"	25.00
"	22	"	25.00
"	23	"	25.00
"	24	"	35.00
23	1	7,000	60.00
"	2	"	50.00
"	3	"	50.00
"	4	"	50.00
"	5	"	50.00
"	6	"	50.00
"	7	"	50.00
"	11	3,500	35.00
"	14	"	35.00
"	15	"	35.00
"	16	"	35.00
"	17	"	35.00
"	18	"	35.00
"	19	"	35.00
"	20	"	35.00
"	21	"	35.00
"	22	"	35.00
"	23	"	35.00
"	24	"	50.00
24	1	"	50.00
"	2	"	35.00
"	3	"	35.00

Block	Lot	Area (Square Feet)	Appraisal
24	4	3,500	$35.00
"	5	"	35.00
"	6	"	35.00
"	7	"	35.00
"	8	"	35.00
"	9	"	35.00
"	10	"	35.00
"	11	"	35.00
"	12	"	35.00
"	13	"	35.00
"	14	"	35.00
"	15	"	35.00
"	32	"	100.00
25	1	"	35.00
"	2	"	25.00
"	3	"	25.00
"	4	"	25.00
"	5	"	25.00
"	6	"	25.00
"	7	"	25.00
"	8	"	25.00
"	9	"	25.00
"	10	"	25.00
"	11	"	25.00
"	12	"	25.00
"	13	"	25.00
"	14	"	25.00
"	15	"	25.00
"	16	"	35.00
"	20	"	25.00
"	21	"	25.00
"	22	"	25.00
"	23	"	25.00
"	24	"	25.00
"	25	"	25.00
"	26	"	25.00
"	27	"	25.00
"	28	"	25.00
"	29	"	25.00
"	30	"	25.00
"	31	"	25.00
33	2	7,000	50.00
"	4	"	50.00
"	6	"	60.00
"	7	"	60.00

Block	Lot	Area (Square Feet)	Appraisal
34	1	3,500	$35.00
"	2	"	25.00
"	3	"	25.00
"	4	"	25.00
"	5	"	25.00
"	6	"	25.00
"	7	"	25.00
"	8	"	25.00
"	9	"	25.00
"	10	"	25.00
"	11	"	25.00
"	12	"	25.00
"	13	"	25.00
"	14	"	25.00
"	17	7,000	60.00
"	18	"	50.00
"	20	"	50.00
"	21	"	50.00
"	22	"	50.00
"	23	"	50.00
35	1	3,500	100.00
"	2	"	75.00
"	3	"	75.00
"	4	"	75.00
"	6	"	75.00
"	7	"	75.00
"	8	"	75.00
"	9	"	75.00
"	11	"	75.00
"	17	7,000	60.00
"	18	"	50.00
"	19	"	50.00
"	20	"	50.00
"	21	"	50.00
"	22	"	50.00
"	23	"	50.00
"	24	"	60.00
36	1	7,500	60.00
"	2	"	50.00
"	3	"	50.00
"	4	"	50.00
"	5	"	50.00
"	6	"	50.00
"	7	"	50.00
"	8	"	60.00
"	9	"	60.00

Block	Lot	Area (Square Feet)	Appraisal
36	10	7,500	$50.00
"	11	"	50.00
"	12	"	50.00
"	13	"	50.00
"	14	"	50.00
"	15	"	50.00
"	16	"	60.00
37	1	"	60.00
"	2	"	50.00
"	3	"	50.00
"	4	"	50.00
"	5	"	50.00
"	7	"	50.00
"	8	"	60.00
"	9	"	60.00
"	10	"	50.00
"	16	"	60.00
38	1	"	60.00
"	3	"	50.00
"	4	"	50.00
"	6	"	60.00
"	7	"	50.00

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Circular No. 1488

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE SECOND ADDITION TO THE TOWN SITE OF TULELAKE, CALIFORNIA

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The lots in the second addition to the town site of Tulelake, California, will be disposed of under the Acts of April 16 and June 27, 1906 (34 Stat. 116, 519; 43 U.S.C. 434, 448, 561-563, 568, 594). The town site plat was accepted February 16, 1939.

2. Area and Price. The area and minimum price of the lots which will be sold is shown by the attached schedule.

3. Public Sale. On August 6, 1941 at 10 a. m. a sale at public auction to the highest bidder will be held at Tulelake, California. E. E. Hayden has been designated as superintendent of the sale and Herbert C. Melsas as auctioneer.

4. Terms of Sale. Full payment for the lots may be made in cash on the date of the sale or one-fourth of the purchase price in cash and the balance in not to exceed three annual installments with interest at six per cent per annum on the deferred payments. The deferred payments are to be made to the Register of the District Land Office at Sacramento, California. If the deferred payments are not made when due, the money deposited will be forfeited and the lot will be subject to further disposition.

5. Authority of Superintendent. The superintendent conducting the sale is authorized to reject any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. The price at which each lot is bid in shall be considered its reappraised price. No lot will be considered as sold until payment is made in full. All unsold lots will be subject to private entry at the District Land Office at Sacramento, California, for cash at the reappraised price.

6. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code of the United States.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 7, 1941.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

SCHEDULE OF LOTS IN THE SECOND ADDITION
TO TULELAKE TOWN SITE TO BE SOLD AT
PUBLIC SALE

BLOCK NO.	LOT NO.	Area (Sq. Ft.)	Appraisal
27	1	11,000	$150.00
"	2	"	125.00
"	3	"	100.00
"	4	"	100.00
"	5	"	100.00
"	6	"	100.00
"	7	"	110.00
"	8	"	100.00
"	9	"	90.00
"	10	"	90.00
"	11	"	90.00
"	12	"	90.00
"	13	"	110.00
"	14	"	125.00
28	1	6,600	150.00
"	2	"	125.00
"	3	"	100.00
"	4	"	100.00
"	5	"	100.00
"	6	"	100.00
"	7	"	110.00
"	8	"	100.00
"	9	"	90.00
"	10	"	90.00
"	11	"	90.00
"	12	"	90.00
"	13	"	100.00
"	14	"	125.00
29	1	"	300.00
"	2	"	200.00
"	3	"	150.00
"	4	"	125.00
"	5	"	125.00
"	6	"	125.00
"	7	"	150.00
"	8	"	110.00
"	9	"	100.00
"	10	"	100.00
"	11	"	100.00
"	12	"	100.00

Block No.	Lot No.	Area (Sq. Ft.)	Appraisal
29	13	6,600	$150.00
"	14	"	200.00
30	1	8,250	200.00
"	2	"	150.00
"	3	"	100.00
"	4	"	100.00
"	5	"	100.00
"	6	"	100.00
"	7	"	110.00
"	8	"	150.00
"	9	"	125.00
"	10	"	125.00
"	11	"	125.00
"	12	"	150.00
"	13	"	200.00
"	14	"	300.00
31	1	"	175.00
"	2	"	100.00
"	3	"	75.00
"	4	"	75.00
"	5	"	75.00
"	6	"	75.00
"	7	"	90.00
"	8	"	100.00
"	9	"	90.00
"	10	"	90.00
"	11	"	90.00
"	12	"	90.00
"	13	"	150.00
"	14	"	200.00
32	1	9,938.5	200.00
"	2	"	125.00
"	3	"	90.00
"	4	"	90.00
"	5	"	90.00
"	6	"	90.00
"	7	"	100.00
"	8	8,250	90.00
"	9	"	75.00
"	10	"	75.00
"	11	"	75.00
"	12	"	75.00
"	13	"	90.00
"	14	"	150.00
		Total	$9,910.00

Office Copy

148721

Still in effect 5/26/54 JAB

Circular No. 1489

REGULATIONS GOVERNING THE ENTRY OF LANDS IN MINNESOTA LEGALLY ASSESSED OR SOLD OR BID IN BY THE STATE FOR DRAINAGE CHARGES

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Circular No. 470, approved April 15, 1916 (45 L. D. 40), as amended by Circular No. 989, approved April 1, 1925 (51 L. D. 83), and Part 118, Title 43, of the Code of Federal Regulations based thereon, governing the entry of public or ceded Indian lands in Minnesota which have been legally assessed or sold or bid in by the State for drainage charges, are hereby amended by the addition thereto of the following section:

118.25a Payments required of homestead applicants in advance of allowance of entry; disposition of moneys. Every person making homestead application for public or ceded Indian lands in Minnesota which have been legally assessed or sold or bid in by the State for drainage charges will be required to make the following described payments to the Commissioner of the General Land Office in advance of allowance of his application: (1) the usual homestead fees and commissions; (2) one-fifth of the purchase price, if any, prescribed by law for said lands; (3) the Federal drainage survey charge of three cents per acre, if that be chargeable against the lands sought; and (4) all sums due the State for drainage charges. If an application be allowed, the Commissioner will transmit to the appropriate State officer the sums due the State. If an application be rejected, the Commissioner will return to the applicant all moneys paid by him.

118.25b Regulations and section title amended. Paragraph 22 of Circular No. 470, as amended by Circular No. 989, and Section 118.24 of Title 43, supra, are hereby amended by striking

therefrom the sentence next to the last beginning "Payment of drainage charges" and the title to Section 118.24 is hereby amended to read as follows: "When settlers and entrymen are not entitled to right of redemption; compliance with homestead law required."

(Sgd) Fred W. Johnson

Commissioner

Approved: June 18, 1941

(Sgd) W. C. Mendenhall,

Assistant Secretary.

These regulations are issued under the authority contained in R. S. 453, 2478; 43 U.S.C. 2, 1201.

149986

Office Copy

Still in effect 5/28/54

See Circ 534, 639, 7 + 759

Circular No. 1490

CERTIFICATIONS IN CONNECTION WITH PROOFS
AND PAYMENTS ON ENTRIES IN RECLAMATION PROJECTS OPERATED
BY IRRIGATION DISTRICTS OR WATER USERS' ASSOCIATIONS.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 30, 1941.

Circular No. 1222 dated June 12, 1930 (53 I. D. 128) and Section 230.59, Title 43, of the Code of Federal Regulations based thereon, are hereby amended to read as follows:

230.59 Certifications by superintendents or other officers of irrigation districts and water users' associations. On a reclamation project (other than the Salt River Valley Project1/) or part thereof operated and maintained by an irrigation district or water users' association, the certifications as to the cultivation of, reclamation of, and payments from lands within the boundaries of the irrigation district or within the general territory of the water users' association may be made by the superintendent or other appropriate officer of the district or association, under the seal of the district or association, and when so made will be accepted and given the same force and effect as certifications made by a Government project superintendent; provided, however, that when the certificate relates to payments made by the entryman, and the district or association is delinquent in the payment of charges due from the district or association to the United States, the certificate shall show that the Government charges paid by the entryman to the district or association were paid over to the Government by or on behalf of the district or association.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: June 30, 1941

(Sgd) W. C. Mendenhall

Acting Assistant Secretary.

These regulations are issued under authority contained in sec. 10, 32 Stat. 390; sec. 15, 38 Stat. 690; 43 U. S. C. 373.

1/ By Departmental telegram, dated Nov. 26, 1917, the Register at Phoenix, Arizona, was instructed to return to the Salt River Valley Water Users' Association for report, recommendation, and forwarding by association to Commissioner, Bureau of Reclamation, all assignments, reclamation homestead entries and certificates of final proof under the reclamation law offered to or filed in his office and that applications to make homestead entries in the Salt River Reclamation project should be noted on his records and forwarded to Commissioner, Bureau of Reclamation for consideration and recommendation.

Circular No. 1491

LEASE OR SALE OF TRACTS IN EXCESS OF FIVE ACRES IN IRREGULAR SECTIONS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Section 257.17 of Title 43 of the Code of Federal Regulations, contained in Circular No. 1470, approved June 10, 1940, is hereby amended by adding thereto the following:

> "If the subdivision of the sectional lotting would result in narrow strips or other areas containing less than 2½ acres, not suitable for sale or lease as separate units, such excess areas, in the discretion of the Commissioner of the General Land Office, may be included in the adjoining 5-acre tracts."

Fred W. Johnson
Commissioner.

Approved: July 3, 1941

W C Mendenhall
Acting Assistant Secretary.

This regulation is issued under authority of 52 Stat. 609; 43 U.S.C. 682a.

Office Copy

152294

Circular No. 1492

NOTATIONS BY REGISTERS OF ADVERSE FINDINGS
AS TO CHARACTER OF LAND

Superseded
See Cir. 1718

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

The following section is hereby added to Title 43 of the Code of Federal Regulations, Part 296---Classifications.

PROCEDURE WHERE LAND IS FOUND NOT SUITABLE
FOR THE CLASSIFICATION REQUESTED

Section 296.14 Action by register, based on rejection of applications. When an application for entry or sale is finally rejected by the General Land Office on the ground that the land is not suitable for disposal under the law under which entry is sought, or it has been determined that it would not be in the public interest to offer the land for sale, the register will note such fact on his records, by a brief notation, such as "Not suitable for homestead," or "Not in public interest to sell," together with the serial number of the case, and reject all subsequent similar applications for the same land, subject to the right of appeal to the Commissioner of the General Land Office.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: July 11, 1941.

(Sgd) W. C. Mendenhall,

Acting Assistant Secretary.

These regulations are issued under authority contained in Section 2, 48 Stat. 1270; 43 U.S.C. 315a.

Office Copy Still in effect. 5/26/54 BB

152293-1

Circular No. 1493

LEASE OR SALE OF PUBLIC LANDS IN ALASKA FOR PARK OR RECREATIONAL PURPOSES, AND SALE OF SUCH LANDS FOR CEMETERY PURPOSES.

See Circ. 1700 for 72.3(4)

See Circ. 1787 for 72.15

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Lease or sale of public lands in Alaska to incorporated cities or towns for park or recreational purposes, and sales of such lands for cemetery purposes.

Section 72.1 Statutory authority. The lease or sale of vacant and unreserved public lands in Alaska to incorporated cities or towns for park or recreational purposes, and the sale to them of such lands for cemetery purposes, is authorized by the Act of October 17, 1940 (Public No. 863).

72.2 Lands subject to lease or purchase. Not to exceed 160 acres of contiguous tracts may be leased or sold for park or recreational purposes. Not to exceed 80 acres of contiguous tracts may be sold for cemetery purposes.

72.3 Application to lease or purchase. An application to lease or purchase land under the Act of October 17, 1940, must be executed in duplicate by the municipal authorities of an incorporated city or town, shall be addressed to the Commissioner of the General Land Office, Washington, D. C., and filed with the Register of the land office for the district in which the land is situated. The application should show:

(a) The official character and authority of the officer or officers making the application.

(b) A certificate of the officer having custody of the record of incorporation, setting forth the fact and date of incorporation.

(c) A description of the land by legal subdivisions, if the land is surveyed, or, if the land is unsurveyed, a description by metes and bounds, with courses, distances, and references to monuments by which the location of the tract on the ground can be readily and accurately ascertained. The land, if unsurveyed, must be compact and rectangular in form, and the approximate acreage thereof must be given. Preferably a map, in duplicate, drawn to appropriate scale, approved by the city or town surveyor, should accompany the application if the same is for unsurveyed land, the map to show, among other data, the approximate latitude and longitude of at least one point on the boundary, and, if practicable, the course and distance of some designated corner of the tract with some corner of the public land survey.

(d) The distance and direction in which the land is situated from the city or town making application therefor.

(e) Facts as to the value of the land for park, recreational or cemetery purposes and the need of the land by the city or town for the use requested. The following information should be given, if the land is desired for park or recreational purposes:

(1) The location of the tract in relation to the natural direction of community development.

(2) Any outstanding features which would make the tract particularly suitable for the contemplated park or recreational use.

(3) The general surface configuration, the soils, the drainage, and the present vegetation, including the kind and amount of timber on the land.

(f) The statement of the applicant, corroborated by the affidavit of two witnesses, that the land is vacant, unreserved, unoccupied, unimproved, or unclaimed by anyone other than the applicant; that the land does not abut more than 160 rods upon navigable waters; that the land is not within a distance of 80 rods along any such water from any location theretofore made with soldiers' additional rights, or as a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection; and that the land is not included within an area which is reserved because of hot or medicinal springs thereon. If the facts are contrary as to any of the matters set forth in this paragraph, a complete statement should be made thereof.

72.4 Action on application; report of Division of Investigations; appraisal. Upon receipt of the application, the register will note its filing, assign a current serial number thereto, and transmit the original, unallowed, together with the accompanying papers, to the General Land Office, and the copy to the clerk in charge, Division of Investigations, at Anchorage, Alaska, for report and appraisal. With each copy, the register will report the status of the land as shown by his records.

The report of the Division of Investigations should show whether the lands have power or reservoir possibilities, whether they are chiefly valuable for purposes other than those for which they are proposed to be used, the facts enumerated in paragraphs (d), (e), and (f) of section 72.3, and any other facts deemed appropriate. The report shall include an appraisal of the land, which shall in no case be less than $1.25 per acre.

The application and proofs filed therewith, and the report of the Division of Investigations will be carefully examined in the General Land Office, and the record will be transmitted to the Secretary of the Interior, with recommendations.

If a sale of the land shall be authorized by the Secretary of the Interior, the record will be returned to the General Land Office for further action.

In the case of an application to lease, after the Division of Investigations has reported, if the facts so warrant and if all appear regular, a lease, in quadruplicate, on Form 4-978, a copy of which is attached hereto and made a part hereof, will be prepared and submitted to the Secretary of the Interior for approval.

72.5 Survey. If a lease or sale shall be authorized by the Secretary of the Interior in the case of an application to lease or purchase unsurveyed lands, the district cadastral engineer will be directed to survey the land. The cost of such surveys shall be charged to the current appropriation for surveying the public lands.

72.6 Publication and proof; issuance of final certificate. Upon payment of the appraised price, and upon acceptance of the plat of special survey, if any, the register will be instructed to require the applicant to publish notice of the application once a week for five consecutive weeks, in accordance with section 106.18 (Circ. No. 1455, Feb. 17, 1939). During the entire period of publication, a copy of the notice must be posted in the district land office and on the land. Upon receipt of proof of publication and posting in the General Land Office, if all be found regular, the register will be instructed to issue final certificate.

72.7 Reservation of minerals. Any lease or patent issued under authority of the Act of October 17, 1940, shall contain a reservation to the United States of the coal and other mineral deposits in the land leased or patented, together with the right to prospect for, mine and remove the same, under rules and regulations issued by the Secretary of the Interior. No provision is made at this time for development of the unreserved mineral deposits in lands to be conveyed or leased under the Act of October 17, 1940 and until such regulations shall have issued the reserved deposits will not be subject to disposition.

72.8 Offer of lease in lieu of sale. When an application to purchase lands for park or recreational purposes has been filed under the Act of October 17, 1940, the Secretary of the Interior may suspend or reject such application to purchase, and may offer a lease of the premises to the applicant.

72.9 Inspection of leased premises. At any time during the term of a lease, under the Act of October 17, 1940, the authorized representatives of the Department of the Interior may inspect the leased premises, and they shall have free access to the books or records relating to the leased premises. A report will be made to the General Land Office for appropriate action of any facts found to exist which constitute cause for which the lease may be canceled as set forth in section 72.10. Also, Federal Agents, including game wardens, shall at all times have the right to enter the leased premises on official business.

72.10 Cancelation of lease. A lease will be subject to cancelation by the Secretary of the Interior for failure of the lessee to make any of the required payments of annual rental within the time prescribed, or for failure of the lessee otherwise to perform or observe any of the terms, covenants and stipulations of the lease, or of any of the regulations issued under the Act of October 17, 1940, where such default has continued for thirty days after written notice.

72.11 Period of Lease; renewal; sale of land. Leases issued under the Act of October 17, 1940, shall be for a period not to exceed 20 years. The matter of issuing a further lease to the city or town, upon the expiration of the lease, will rest in the discretion of the Secretary of the Interior. The matter of selling the land to the city or town is also within the discretion of the Secretary of the Interior.

72.12 Annual rental. Every lessee under the Act of October 17, 1940, under new leases or renewals of leases, shall pay to the lessor in advance such reasonable rental as may be fixed by the Secretary of the Interior. The rental may be adjusted by the Secretary of the Interior at the end of the second year of the lease and at two year intervals thereafter.

72.13 Regulations superseded; part title amended. Sections 72.1 to 72.12 inclusive superseded section 72.1 as codified June 1, 1938 (p. 63, Circ. 491, Feb. 24, 1928). The title of part 72 is hereby amended to read Park, recreational and cemetery sites.

Sale of public lands to religious or fraternal associations or private corporations, for cemetery purposes.

72.14 Statutory authority; governing regulations. The sale of public lands in Alaska to religious or fraternal associations or private corporations authorized to hold real estate in the territory for cemetery purposes, is authorized by the Act of March 1, 1907 (34 Stat. 1052; 43 U.S.C. 682), and the regulations thereunder (43 CFR 253).

Park and cemetery Act of September 30, 1890 (26 Stat. 502; 43 U.S.C. 729) made inapplicable to Alaska.

Regulations amended. Sec. 253.1 is hereby amended by adding thereto the words, "Section 2 of the Act of October 17, 1940 (Public No. 863) made the Act of September 30, 1890 inapplicable to the Territory of Alaska.", and by striking therefrom the words, "including land in Alaska,".

(Sgd) Fred W. Johnson,

Commissioner.

Approved: July 15, 1941.

(Sgd) W. C. Mendenhall,

Acting Assistant Secretary.

Sections 72.1 to 72.13, inclusive, are issued under the authority contained in the Act of October 17, 1940 (Public No. 863); section 72.14 is issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.

Form 4-978

(To be executed in quadruplicate)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

Serial No. _____

LEASE OF LAND FOR PARK OR RECREATIONAL PURPOSES

Act of October 17, 1940, (Public No. 863, 76th Congress).

This indenture of lease, entered into as of , 19 , by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the Assistant Secretary of the Interior, and the incorporated Alaska, acting through
party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and conditions of the Act of Congress of October 17, 1940, (Public No. 863, 76th Congress), entitled "An Act To authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska."

WITNESSETH:

1. That the lessor, in consideration of the rents to be paid and the covenants to be performed and observed as herein set forth, does hereby lease to the lessee for public park or recreational uses and purposes, the following described land:

containing acres, together with the right to construct, operate, and maintain thereon all buildings or other improvements necessary for public park or recreational uses and purposes for the accommodation of the public, for a period of years; reserving, however, to the United States all of the coal and other mineral deposits in the said above-described land, together with the right to prospect for, mine, and remove the same. The matter of the renewal of this lease to the lessee, upon its expiration, rests in the discretion of the Secretary of the Interior.

2. In consideration of the foregoing, the lessee hereby agrees:

(a) To operate and maintain said leased premises for public park or recreational uses and purposes each year during the life of this lease, for the use and accommodation of the public, and not to charge any service or other fee without the consent of the lessor.

(b) To pay to the lessor a yearly rental of dollars, in advance. The rental may be adjusted by the Secretary of the Interior at the end of the second year of the lease and at two year intervals thereafter.

(c) Not to devote the leased premises, or any part thereof, to any purpose other than for public park or recreational uses and purposes, and not to allow the use of the said land, or any part thereof, for unlawful purposes or any purpose other than for public park or recreational uses and purposes.

(d) Not to construct upon the land buildings or structures of any kind which are not in keeping with the purposes for which this lease is granted.

(e) To keep the premises in a neat and orderly condition and to observe, and require the observance of, all sanitary laws and regulations.

(f) Not to commit or permit waste or injury to the land.

(g) To take, and require all reasonable precautions to be taken, to prevent and suppress forest, brush, grass, and tundra fires on and in the vicinity of the leased land.

(h) Not to allow fires to be set that will result in damage and to require persons building fires to cause such fires to be extinguished before leaving the leased premises.

(i) Not to cut timber for the purpose of clearing the land, or remove timber or other material or resource from the land to make improvements, or for any other purpose, without first submitting to the Commissioner of the General Land Office a statement of the plans and securing approval thereof.

(j) To take, and require all reasonable precautions to be taken, to prevent pollution of waters on and in the vicinity of the leased land, and not to do anything or permit anything to be done that will damage or unduly interfere with the sources of water supply to communities.

(k) To observe, and require the observance of, all laws and regulations for the protection of game animals, game birds and nongame birds and not to disturb, or permit others to disturb, such animals or birds unnecessarily.

(l) Not to enclose roads or trails commonly used for public travel.

(m) Not to assign this lease or any interest therein, nor to sublet any portion of the leased premises, without the consent of the lessor.

(n) To record this lease with the recording officer for the proper district within which the leased land is situated.

(o) That this lease is granted subject to valid existing rights.

(p) That nothing contained in this lease shall restrict the acquisition, granting or use of permits or rights-of-way under existing laws.

(q) That authorized representatives of the Department of the Interior shall have the right, at any time during the term of this lease, to enter the

leased premises for the purpose of inspection and they shall have free access to the books or records relating to the leased premises; and that Federal Agents, including game wardens, shall at all times have the right to enter the leased premises on official business.

(r) That this lease shall be subject to cancellation by the Secretary of the Interior for failure of the lessee timely to make any required payments of annual rental, or for failure of the lessee otherwise to perform or observe any of the terms, covenants and stipulations hereof, or of any of the regulations issued under the act of October 17, 1940, where such default has continued for thirty days after written notice by the lessor.

(s) That upon the cancellation of this lease for any reason, or upon its expiration, unless a renewal is requested, the lessee, if all rental charges due the Government have been paid, will be allowed a reasonable time, to be determined by the lessor, within which to remove its improvements from the land. Upon the failure of the lessee to take such action, the improvements will become the property of the United States.

(t) That no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior shall be admitted to any share or part in this lease or derive any benefit that may arise herefrom; and that the provisions of Section 3741 of the Revised Statutes (41 U. S. C. 22) and Sections 114, 115 and 116 of the Criminal Code approved March 4, 1909 (35 Stat. 1109; 18 U. S. C. 204-206), relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

IN WITNESS WHEREOF:

THE UNITED STATES OF AMERICA

By_____
Assistant Secretary of the Interior
Lessor

(Seal of the lessee) _____

By_____
Lessee

Office Copy

159742

Circular 1494

REGULATIONS UNDER THE ACT OF JULY 3, 1941 (PUBLIC NO. 151), AUTHORIZING THE ISSUANCE OF OIL AND GAS LEASES UNDER SECTION 19 OF THE ACT OF FEBRUARY 25, 1920 (41 STAT. 437), IN THE LANCE CREEK OIL FIELD, WYOMING.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1. Statutory Authority. The act of Congress approved July 3, 1941 (Public No. 151), authorizes the Secretary of the Interior to issue leases under the provisions of section 19 of the act of February 25, 1920 (41 Stat. 437), except as otherwise provided in this act, covering certain described lands in the Lance Creek oil and gas field, Wyoming. A copy of the act is attached to these regulations. The following rules and regulations are prescribed for the administration of the act:

2. Applications for leases. Applications for leases must be made by the respective oil and gas operators in possession of the land on and prior to January 1, 1940, under placer mining claims initiated prior to October 16, 1918, and must be made under oath and the supporting documents and papers certified or under oath so far as practicable. The application, with all the accompanying papers, must be filed in the United States land office at Cheyenne, Wyoming, within six months from July 3, 1941. Each application should contain full information as to the facts upon which the applicant bases his claim to a lease, covering the following points and such additional matters as may, from the particular facts in the case, be material in the establishment of his claim under the law:

(a) Name of the applicant, post office address and citizenship. If the applicant is an individual, he must show whether he is native born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificate if known; if a corporation, by certified copy of the articles of incorporation and a showing as to residence and citizenship of the stockholders.

(b) A duly certified abstract of title to the land brought up to January 1, 1940, and a relinquishment to the United States of all right, title and interest in and to the land. This relinquishment must be in the form of an unconditional quitclaim deed, duly executed and acknowledged, but not recorded, and when filed will be held for such action as the facts and the law in the case warrant and require.

(c) A description by legal subdivisions of section, township and range of all of the lands in the possession of the applicant within the area described in the act.

(d) A showing as to all conflicting claims or disputed claims, if any, to the lands or production therefrom, specifying the character and extent of any such claims.

(e) A statement showing aggregate expenditures prior to January 1, 1940, made by the applicant or his predecessors in interest of not less than $10,000, on or for the benefit of each claim upon which the application is based.

(f) A complete detailed statement by months of all production from the land from January 1, 1940, to end of the month preceding date of application, to be thereafter supplemented by like statements at the end of each month until lease issues, showing (1) grade and total quantity of oil and gas produced; (2) the amount sold or otherwise disposed of, to whom sold, and the selling price or other consideration received therefor; (3) a statement of the grade and amount of any and all such production held in storage at the end of the month preceding the date of application; and (4) the amount consumed for production purposes upon the land or unavoidably lost. The applicant must also furnish a complete detailed statement by months of production from the land prior to January 1, 1940, as herein required, except that the selling price required in item (2) need not be given, nor the statement required under item (3) hereof.

(g) A full showing of all interests held in the land or in the production therefrom, whether royalty, working or other interest, giving names and addresses of such holders, their citizenship, and percentage of interest held.

(h) A consent to permit the inspection of any and all books, records and accounts having any bearing on the data or information required by the application, and to furnish copies or abstracts of such books, records or accounts, on demand.

3. Payment of royalty on past production. (a) The application shall be accompanied by a certified check drawn to the order of the Treasurer of the United States, in the amount of four cents per barrel for all oil and one-fourth cent per thousand cubic feet for all gas produced from the claim prior to January 1, 1940, except oil or gas used for production purposes or unavoidably lost, in accordance with the statement required in paragraph (f). All such sums will be held by the Register in his account of unearned moneys to await instructions as to their disposition.

(b) When a lease is authorized the lease applicant shall pay royalty on all production subsequent to January 1, 1940, so long as royalty is paid in value, computed on the basis of the minimum valuation fixed in departmental decision of February 13, 1941 (A. 22858) of eight cents under the price per barrel regularly posted by the major purchasers of crude oil in the Mid-Continent area for crude oil of 40° A. P. I. gravity, or any modification of said order. Royalties accrued at the date lease is authorized shall be paid prior to execution of such lease.

4. Publication of notice. Immediately upon the filing of an application for lease, the Register will cause to be published at the expense of the applicant, in a newspaper designated by the Register, published in the vicinity of the land and most likely to give notice to the general public, notice of the application in substantially the following form:

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE

Cheyenne, Wyoming,
_____ _____, 19__.

Notice is hereby given that _____ _____, of _____, has applied for an oil and gas lease under the act of July 3, 1941 (Public No. 151), for _____ section _____, township _____ of range _____, _____ meridian, Niobrara County, State of Wyoming. Any and all such persons having adverse or conflicting claims to said land are hereby notified that a full statement, under oath, of such claim should be filed in this office showing a superior right to a lease under said act or a valid existing adverse or conflicting claim to the land or the minerals therein under the public land laws, on or before _____; otherwise such claim may be disregarded in granting the lease applied for.

_____ _____,
Register.

The Register will fix a date in the notice on or before which adverse or conflicting claims may be asserted, which date should not be less than 30 days, nor more than 40 days after the date of first publication of the notice. Such notice will be published once each week for a period of five weeks, if in a weekly paper, or if in a daily paper, for a period of 30 days. The Register will post a copy of such notice in a conspicuous place in his office during the period of publication.

Upon receipt of satisfactory proof furnished by the applicant of such publication, but not earlier than the day following that set in the published notice on or before which adverse or conflicting claims may be filed, the Register will transmit by special letter all papers in the case, including any adverse or conflicting claims that may have been filed, together with proof of posting the notice in his office.

5. Adverse or conflicting claims.--Procedure. In case of adverse or conflicting claims for leases, the Secretary of the Interior is clothed with authority to grant leases to one or more of the claimants as shall be deemed just. The following procedure for the consideration of adverse or conflicting claims is hereby prescribed:

(a) Such claimants must make a full showing stating the grounds upon which a superior right to a lease under this act is asserted.

(b) Upon receipt of the showing of an adverse claimant, the Commissioner of the General Land Office will consider the same. If, in his judgment, the adverse claimant has failed to make a prima facie case, showing that he is entitled to a lease under the provisions of the above act, his application will be rejected subject to appeal to the Secretary of the Interior. But, if the adverse claimant makes out a prima facie case, the Commissioner will take such course as may be advisable under the circumstances of each particular case to settle and adjust the rights of the respective parties and may, if deemed necessary, order a formal hearing to settle disputed questions of fact. In the absence of appeal to the Secretary of the Interior from the final order or decision of the Commissioner, the same shall be conclusive.

6. Filing fees. Applicants filing in accordance with the provisions of this act must pay a fee of $2.00 for each 160 acres or fraction thereof in such application, but such fee in no case shall be less than $10.00 and will be considered earned when paid.

7. Form of lease. The leases issued under this act will be in the form prescribed for leases granted under the act of August 21, 1935 (49 Stat. 674; 30 U.S.C. 185; 43 CFR 192.28), except that the royalty to the United States will be 12-1/2 percentum of all the oil and gas produced, except oil or gas used for production purposes or unavoidably lost. Each lease will be dated January 1, 1940, and will be for a term of 10 years and so long thereafter as oil or gas is produced in paying quantities.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: September 12, 1941

(Sgd) Oscar L. Chapman,

Assistant Secretary.

[Public Law 151--77th Congress]
[Chapter 274--1st Session]
[S. 178]

AN ACT

Authorizing the Secretary of the Interior to issue oil and gas leases on certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to issue leases under the provisions of section 19 of the Act of February 25, 1920 (41 Stat. 437), as amended, except as otherwise provided in this Act, covering lands within the area in Niobrara County, Wyoming, described as follows:

Southwest quarter section 25; south half section 26; southeast quarter, southeast quarter northwest quarter, and east half southwest quarter section 27; east half section 34; north half and southeast quarter section 35, all the foregoing in township 36 north, range 65 west, of the sixth principal meridian, and west half northeast quarter section 28, township 36 north, range 64 west, of the sixth principal meridian.

Such leases shall be issued to the respective oil and gas operators in possession of lands within the area described above on and prior to January 1, 1940, under placer-mining claims initiated prior to October 16, 1918, and shall inure to the benefit of all parties having contracts with the lessees or operators under such placer mining claims as their interests may appear. Each lease shall be dated as of January 1, 1940, and shall be for a term of ten years and so long thereafter as oil or gas is produced in paying quantities. Each lease shall reserve as royalty to the United States 12-1/2 per centum of all the oil and gas produced except oil or gas used for production purposes or unavoidably lost. No lease shall issue unless (1) an application for lease be made within six months from the effective date of this Act; (2) the application covers all of the lands in the possession of the applicant within the area described above; (3) the applicant shows aggregate expenditures prior to January 1, 1940, by the applicant and his predecessors in interest of not less than $10,000 on or for the benefit of each claim upon which the application is based; and (4) the applicant shall pay to the United States as royalty 4 cents per barrel for all oil and one-fourth cent per thousand cubic feet for all gas produced from the claim prior to January 1, 1940, except oil or gas used for production purposes or unavoidably lost.

Approved, July 3, 1941.

Office Copy

159989

Still in effect - 5/28/59 AB

See Circ. 1742

Circular No. 1495

QUALIFICATIONS OF TOWN LOT PURCHASERS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

255.54 Evidence of citizenship or incorporation required. Unless otherwise provided by law, every person purchasing a town lot at public or private sale, under any law governing the sale and disposal of town sites on the public domain, will be required to furnish evidence that he is a citizen of the United States or has declared his intention to become such and every corporation purchasing a town lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or of any state, territory or possession thereof and that it is authorized to acquire and hold real estate in the state in which the town site is situated. In view of the provisions of Sec. 2 of the Act of March 2, 1897 (29 Stat. 618; 8 U. S. C. 72), the foregoing requirement respecting the citizenship of individuals is not applicable to the Territory of Alaska.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: September 5, 1941.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

This regulation is issued under the authority contained in R. S. 453, 2478; 43 U. S. C. 2, 1201.

160265

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Circular No. 1496

REGULATIONS GOVERNING THE LEASING OF PUBLIC LANDS
FOR AIRPORTS AND AVIATION FIELDS

Replaced by #1867

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

The Act of August 16, 1941 (Public Law No. 205), amended section 1 of the Act of Congress, approved May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214), so as to increase the area which may be leased for use as public aviation fields from 640 acres to 2,560 acres. In order to show such change, Circular No. 1161, dated August 22, 1928 (52 L. D. 476), and part 251 of Title 43 of the Code of Federal Regulations, based thereon, are hereby amended as indicated below.

> Section 251.1 Statutory authority. The Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214), as amended by the Act of August 16, 1941 (Public Law No. 205), authorizes the Secretary of the Interior, in his discretion and under such regulations as he may prescribe, to lease for use as a public airport, any contiguous, unreserved and unappropriated public lands, not to exceed 2,560 acres in area. It also authorizes him to grant permission for the establishment of beacon lights and other air navigation facilities, except terminal airports, upon unreserved and unappropriated public lands and to withdraw such lands for such purposes.

Sections 251.2 and 251.15 of Title 43 are each amended by striking out the figures "640" contained therein and inserting in lieu thereof the figures "2,560".

(s) Fred W. Johnson,

Commissioner.

Approved: September 11, 1941.

(s) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under authority contained in sec. 1, 45 Stat. 728; 49 U.S.C. 211.

164312

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Still in effect 5/28/54 BB.

Circular No. 1497

SPECIAL LAND USE PERMITS FOR ADVERTISING DISPLAYS ON THE PUBLIC LANDS

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 13, 1941.

258.17 Advertising displays on public lands without permits unauthorized. The erection or maintenance on the public lands of advertising displays, without permission, is unauthorized by law. Any person erecting or maintaining one or more advertising displays on the public lands, except under authority of a permit issued by the Commissioner of the General Land Office as hereinafter provided for, shall be deemed a trespasser.

258.18 Words "advertising displays" defined. The words "advertising displays," as used in these regulations shall include structures of any kind with or without lighting effects erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever, including statuary, may be placed for advertising purposes, but shall not include:

(a) Official notices or advertisements posted by or under the direction of any public or court officer, in the performance of his official duties.

(b) Danger, precautionary and informative signs erected by officials of the Federal Government, or officials of the State or of any subdivision thereof, or of any non-profit organization in the State, relating to the premises, or warning of the conditions of travel on a highway, or of forest fires, or road symbols, or speed limits.

(c) Highway markers or signs relating to any city, town, village or historic place or shrine.

(d) Notice of any railroad, bridge, ferry, or other transportation or transmission company, necessary for the direction or safety of the public.

(e) Official signs, notices or symbols for the information of aviators, as to location, direction or landings, and conditions affecting safety in aviation.

(f) Signs containing sixteen square feet or less bearing an announcement of any town, village or city, or non-profit association, or chamber of commerce, advertising itself, or local industries, buildings, meetings, or attractions, but not advertising any particular individual or corporation engaged in business for a profit, providing not more than one sign bearing the same or similar announcement shall be placed on any one approach to the city or village involved.

(g) Signs erected by Red Cross authorities relating to Red Cross Emergency Stations.

(h) Signs advertising bona fide agricultural county district or state fairs.

258.19 Permittees. Permits will be issued only to the owners, operators, or proprietors of business establishments or their agents advertising their own business and products sold on the premises, situated not more than 30 miles, measured by highway travel, from the advertising displays.

258.20 Applications for permits. Applications for permits must be executed in duplicate on Form 4-972b, a copy of which is attached hereto and made a part hereof. Each application must contain a sufficient recital of the facts relative to the advertising display, including its size, and lighting effect, if any, to enable its substantial production from the description. A sketch or photograph showing the display, and a photograph showing the location on which it is to be placed, should be furnished. The application should identify the highway or other medium of travel along which it is proposed to erect the display and should give the distance and direction of the site, measured by highway travel, to the nearest cities or towns. If the land on which it is desired to place the display has been surveyed, its description should be given in terms of the public land surveys. The application must be filed in the proper district land office, or, if there is no such office in the State, it must be filed in the General Land Office. The original application must be sworn to before the Register of a district land office, or before a notary public or other officer having a seal and authority to administer oaths.

Where public lands in more than one land district are involved, a separate application covering the lands in each district must be filed.

258.21 Fees and charges. A fee of $5 must accompany each application for a permit to erect one or more advertising displays. The fee will be returned, if the application is rejected.

The initial and annual charges for advertising displays shall be as follows: Not less than 20 cents per annum for each square foot of sign

surface, not less than $1 per annum for each display and not less than $5 per annum for one or more displays authorized by the same permit. The amount of the charge, subject to such minima, will be fixed by the Commissioner of the General Land Office. Due consideration will be given in fixing the amounts to all pertinent facts and circumstances, including the charges made for corresponding privileges on privately-owned lands similarly situated.

Where conflicting applications are filed, due consideration will be given to the showing of each applicant and such action will be taken as is deemed to be warranted by the facts and circumstances.

The annual charges must be paid each year in advance to the Register of the land office for the district in which the lands involved are situated. If there is no district land office in the State, the payment must be made to the Commissioner of the General Land Office.

Where charges are paid in advance and a permit is canceled before the expiration of the period for which it was issued, a proportionate refund of the charges will be made.

258.22 Permits. Special-use permits to erect and maintain advertising displays on the public lands may be issued, by or under authority of the Commissioner of the General Land Office, and in his discretion, on Form 4-972c, for periods of not exceeding five years, in accordance with these regulations. The permits will be revocable in the discretion of the Commissioner, at any time.

258.23 Renewal of permit. A permit issued in accordance with these regulations may be renewed, in the discretion of the Commissioner of the General Land Office, upon the filing of an application for renewal not more than six months or less than 60 days prior to its expiration.

258.24 Identification of authorized advertising displays. Each advertising display erected or maintained under a permit issued pursuant to these regulations, should, for convenient identification, have the serial number of such permit marked or painted thereon.

258.25 Unauthorized advertising displays. Persons who heretofore have erected advertising displays on the public lands must either obtain permits to continue such displays, if authorized by these regulations, or must remove the displays, as promptly as possible.

Where an unauthorized advertising display on the public land is found, the United States will take appropriate steps to secure its removal, unless the owner obtains a permit. The owner, if known, will be given notice in writing of the requirements. Displays heretofore erected must be removed within six months from and after the date of the approval of these regulations, unless application for a permit is made within that

period. Displays heretofore erected, for which applications for permits are made but for which permits are refused, and unauthorized displays hereafter erected must be removed within such reasonable time as may be fixed by the Commissioner of the General Land Office. If the owner fails to remove the display within the time allowed, it may be removed by the United States and the owner will be held liable to the United States for expenses incurred in removing it. If the owner is unknown, or cannot be found, the display may be removed by the United States, without notice. A registered letter addressed to the owner at his last known place of residence, if returned unclaimed, will be considered sufficient service of notice.

258.26 Restrictions on advertising displays.

(a) No advertising display shall be permitted which, in the opinion of the Commissioner of the General Land Office, would mar the landscape, hide road intersections or crossings, or which, in his opinion is otherwise objectionable.

(b) No advertising display shall be affixed to, or painted on, any tree or rock, situated on the public lands, or on any other natural object on such lands.

(c) No advertising display shall be erected more than 30 miles, measured by highway travel, from the point where the service advertised is rendered, the merchandise is sold or the business advertised is located.

(d) All advertising displays shall conform to the applicable State laws and local ordinances or regulations.

(e) No advertising display shall be erected within 1,000 feet of any other such display on public or privately owned lands, and not more than one advertsiing display, or sign, per mile, advertising one concern, establishment, or product, shall be permitted, in the absence of necessity, satisfactory to the Commissioner of the General Land Office.

(f) Serial signs (any series of small signs intended to be read in sequence which individually do not give the complete advertisement) are prohibited.

(g) Signs shall not be permitted within 15 miles of entrances to national parks or national monuments, measured by highway travel, unless approved by the National Park Service.

258.27 Special land-use permit regulations. All the provisions of the special land-use permit regulations (43 CFR 258.1-258.16; Circ. No. 1483, approved November 19, 1940), not inconsistent with Sections 258.17 to 258.26, inclusive, are hereby extended to and made applicable to special land-use permits for advertising displays.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: October 13, 1941.

(Sgd) Harold L. Ickes,

Secretary of the Interior.

These regulations are issued under the authority contained in R.S. 441; 5 U.S.C. 485 and R.S. 453, 2478; 43 U.S.C. 2 1201.

164311

Office Copy

Circular No. 1498

RENTALS REQUIRED UNDER LEASES FOR AIRPORTS
AND AVIATION FIELDS

Replaced by #1867

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Paragraph 10 of Circular 1161 approved August 22, 1928 (52 L.D. 478), and Section 251.11 of Title 43 of the Code of Federal Regulations based thereon, are hereby amended to read as follows:

Section 251.11 Annual rental. Every lessee under the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214) as amended August 16, 1941 (Public Law No. 205), shall pay to the lessor an annual rental of not less than $10 for an area not exceeding 640 acres, and not less than $5 for each additional 640 acres or fraction thereof. The rental terms of each lease shall be subject to reconsideration and revision at three-year intervals. The lessee shall be required to submit a report to the Commissioner of the General Land Office showing the facts as to the gross receipts within 90 days after each anniversary date of the lease. In the event the average annual gross receipts reported during any such interval from operations on the leased land, from all sources, exceed $5,000, the rentals for the succeeding interval or intervals may be increased to such reasonable amount as may be fixed by the Commissioner, but not exceeding one per cent of such average. Due consideration will be given in fixing the rentals to all pertinent facts and circumstances, including other holdings of the lessee, if any, in connection with which the receipts are obtained. The first annual rental payment shall be made when the application is filed in the district land office. All subsequent payments shall be paid in advance on or before the anniversary date of the lease.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: October 17, 1941

(Sgd) Oscar L. Chapman

Assistant Secretary

These regulations are issued under authority contained in sec. 1, 45 Stat. 728; 49 U.S.C. 211.

166052

Still in effect. 5/28/54

See Circ. 1616 too

Circular No. 1499

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

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REGULATIONS GOVERNING THE EXCHANGE OF REVESTED AND RECONVEYED LANDS IN OREGON

Act of July 31, 1939 (53 Stat. 1144)

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CIRCULAR NO. 1499

REGULATIONS GOVERNING THE EXCHANGE OF REVESTED AND RECONVEYED LANDS IN OREGON

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 28, 1941.

Sec. 115.94 Forest policy. The Act of August 28, 1937 (50 Stat. 874), laid the foundation and framework of a new forest policy for the revested and reconveyed Oregon grant lands. This measure provides for the conservation of land, water, forest, and forage on a permanent basis; the prudent utilization of these resources for the purposes to which they are best adapted; and the realization of the highest current values consistent with undiminished future returns. It seeks, through the application of the policy of sustained-yield management, to provide perpetual forests which will serve as a foundation for continuing industries and permanent communities.

Sec. 115.95 Lands subject to exchange. The Oregon grant lands which are subject to exchange aggregate about 2-1/2 million acres, and are located in 18 counties in western Oregon. Nowhere do these lands occur in large, contiguous areas but to the contrary they are widely scattered and irregularly distributed. These lands comprise approximately 7,000 separate tracts or parcels. Their most consolidated form is practically in a checkerboard arrangement of sections of 640 acres each. If consolidated in a solid block they would cover an area of about 60 miles square. However, the land is scattered throughout a strip 60 miles wide and 270 miles long, extending from the Columbia River on the north to the California State line on the south. No other equally large area of publicly owned forest land in the United States is so broken up into small units and so intermingled with other ownerships and jurisdictions. The O. and C. lands are intermingled with private holdings, State lands, unreserved public domain, and lands reserved for national forests and national parks. This extreme condition creates an administrative problem of the first magnitude. Upon its practical solution depends in large measure the effective management of this outstanding forestry project.

Where the grant lands are intermingled in checkerboard arrangement with other public lands, important administrative problems on both would be simplified by segregating them from each other and concentrating them

in solid blocks. Conflicts in land use which exist in certain localities may be solved by national land use zoning and application of the exchange procedure to segregate the lands according to the dominant use. Elsewhere, the strategic advantages to regional conservation of resources which are inherent in the checkerboard land pattern, in many cases, may outweigh the administrative advantages which could be gained by concentrating the O. and C. lands in solid blocks. This advantage lies in the fact that progressive conservation practices being applied on the grant lands tend to encourage the adoption of similar practices on the intermingled lands. This aspect of the management of the O. and C. lands has deep significance for the entire region in which the lands are located and will receive careful consideration in the development of land exchange plans.

Sec. 115.96 Statutory authority. The Act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in his discretion, in the administration of the act approved August 28, 1937 (50 Stat. 874), to exchange any land formerly granted to the Oregon and California Railroad Company, title to which was revested in the United States pursuant to the provisions of the act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Company pursuant to the provisions of the act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, or State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the United States. The act further provides that all lands and timber secured by the United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as the revested and reconveyed lands exchanged therefor, and that parties to the exchange may make reservations of easements, rights-of-way, and other interests and rights. Under this legislation the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry out the provisions of the law.

Sec. 115.97 Primary objectives. Concisely stated, the primary objectives sought by the Act of July 31, 1939, include the following:

(a) Simplification of administration, improvement, and protection through the consolidation of holdings and the reduction of diversified small ownerships.

(b) The development of a balanced distribution of age classes of timber with a view to promoting the policy of sustained-yield forest management provided for in the Act of August 28, 1937.

(c) The establishment of natural cooperative sustained-yield management units, with a view to sustaining dependent industry, dependent labor and dependent communities.

(d) The effective administration of cooperative forest units.

(e) Aid in establishing economic operating units for combined agricultural and grazing enterprises, where such enterprises appear to provide the most desirable use of the land.

(f) The protection of recreational and other values against impairment or destruction.

Sec. 115.98 Exchange policy. Since the exchange authority of the Act of July 31, 1939, has been provided for the specific purpose of promoting the policy of sustained-yield management laid down for the Oregon lands, it is essential that the formulation of tentative sustained-yield unit plans precede the actual carrying out of the exchange program. This does not mean that the planning of the exchange program will be held in abeyance pending the final establishment of sustained-yield management units, since it is expected that exchange plans will be outlined concurrently with the setting up of sustained-yield units and an action program initiated as soon as the boundaries thereof are fully determined.

It may be broadly stated that the lands and timber to be acquired under authority of the Act of July 31, 1939, should be of a character and so located that the acquisition thereof will promote the conservation principles laid down by the Act of August 28, 1937. Lands and timber which will be disposed of by exchange should be of such a type and so located that the transfer of these resources to private ownership will not interfere with the carrying out of a regional program of cooperative sustained-yield forest management in western Oregon.

Generally speaking, exchanges will not be authorized where the exchange would create a serious disturbance of existing economic conditions; or in cases where the exchange would operate materially to reduce the revenues which should accrue to the counties under authority of the Act of August 28, 1937. Neither can approval be given to the exchange of lands which would prevent the free and ready access of the Government in the development of the resources under its jurisdiction, nor the passing of title to which would in any way interfere with the policy of sustained-yield forest management which governs the administration of the O. and C. lands.

Land exchange applications will be accepted and given consideration as occasion may arise. However, the right is reserved by the Government to reject any and all applications. Applications may be received upon approval of these regulations; but no preference in action will be granted

because of priority of application. Upon the establishment of sustained-yield units the Government will consider all applications for exchange within the boundaries thereof and accept those which are found most advantageous in attaining the primary objectives of such units.

Sec. 115.99 Qualifications of applicants. Applications may be filed by the State of Oregon, by the several counties thereof either wholly or partially within the former limits of the grants, by citizens of the United States, by associations of such citizens, or by corporations organized under the laws of the United States or any State, territory, or district thereof, authorized under its charter to own and sell real property and authorized to do business in the State of Oregon. Evidence of citizenship or of incorporation must be filed with the application, and when the applicant is a corporation a certified copy of the order or direction of the board of directors, or other governing body, to effect such exchange should accompany the application.

Sec. 115.100 Application for exchange. Applications, in duplicate and verified, should be addressed to the Commissioner of the General Land Office and filed in the district land office having jurisdiction over the selected lands, and should set forth, by legal subdivisions of the public land surveys, the lands offered to the Government and the lands selected in exchange therefor. The application should contain the full name and post office address of the applicant; state that the applicant is legally capable of consummating the exchange; that he is the owner of the lands offered in exchange; that such offered lands are not the basis of another selection or exchange; state whether any reservation or easements, rights of use, and other interests and rights in or to the offered lands are desired, and what use thereof is contemplated. It should also show the reservations or easements which, if made by the United States, on the selected land will be acceptable to the applicant.

An application by the State should be accompanied by a certificate of the selecting agent showing that the application for exchange is made under and pursuant to the laws of the State and that the State is the owner of the lands offered in the proposed exchange. In the case of an application for exchange by a county, there should also be furnished a certificate of the proper officer or officers of the county, under seal, to the effect that the application is made under and pursuant to the laws of the State.

The application must be accompanied by an affidavit by the applicant or by some credible person who is familiar with the character, condition and value of the selected lands and the character, condition and value of the lands offered in exchange. This affidavit must be in duplicate, with the original duly executed. The affidavit must specifically describe by subdivision, section, township and range, the lands offered to the Government and the lands selected in exchange therefor, and show the following: whether there is within the limits of any of the selected land any known deposit of coal, or any lode or placer deposit, oil, or other valuable mineral; whether said land contains any salt springs or known deposits of

salt in any form sufficient to render it chiefly valuable therefor; whether any portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; whether said land is essentially non-mineral in character and has upon it any mining or other improvements; that the selected lands are unappropriated and are not occupied, claimed, improved or cultivated by any person adversely to the applicant; and give as full data as are available concerning the character, and the amount, kind, and value of timber upon each smallest or forty-acre subdivision of the lands offered in exchange. This affidavit must also show that the lands offered and the lands selected are approximately of equal aggregate value, consideration being given to any reservations or easements which may be made by the applicant or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior. The application must be accompanied with a corroborated affidavit relative to springs and water holes on the selected lands, in accordance with existing regulations pertaining thereto (43 CFR 292.1 - 292.9). Evidence of citizenship, or of incorporation, must be filed with the application.

Sec. 115.101 Costs and fees. The applicant shall agree to pay the cost of publishing notices of the exchange. Filing fees must be paid by the applicant at the rate of $2.00 for each 160 acres, or fraction thereof, of the lands selected. The act provides that no fee shall be charged in applications filed by the State of Oregon or any county thereof, except one-half of the cost of publishing notice of the proposed exchange.

Sec. 115.102 Action by register. If the application for exchange appears regular and in conformity with the law and these regulations, the Register will assign the current serial number and after making appropriate notations on his records will transmit the original application and all other papers to the General Land Office with a statement as to the status of the land including any conflicts, and will forward the duplicate application together with copies of all other papers to the Chief Forester, Oregon and California Revested Lands Administration, Portland, Oregon.

Sec. 115.103 Report of Chief Forester. On receipt by the Chief Forester, Oregon and California Revested Lands Administration, of the duplicate application and other papers, they shall be given consideration by him with a view of determining whether the proposed exchange appears desirable from the standpoint of the interests of the Government in carrying into effect the purpose of the Act of August 28, 1937 (50 Stat. 874).

Applications must be accompanied by estimates showing the volume, kind, quality, and value of timber upon each subdivision of the lands offered for exchange. Such estimates will be checked for accuracy by the Chief Forester.

If the lands involved are not valuable for timber, then their value and availability for any of the purposes given in the Act of August 28, 1937 (50 Stat. 874), may be given due consideration as a basis for determining that the lands offered are approximately equal in aggregate value

sale in any form solicitous to revoke is unlawful. Upon the demand, whether any portion of said land is selected for mining purposes under the lands grazing or rules of miners or prospectors, whether said land is essentially non-mineral in character and has upon it any dwelling or other improvements that the selected lands are inappropriated and are not occupied, claimed, improved or cultivated by any person adversely to the applicant and give an full data as are available concerning the character, and the amount, kind, and value of timber upon each applicant or corporation subdivisions of the lands offered to purchaser. This affidavit must also show that the lands offered and the lands selected are approximately of equal aggregate value, consideration being given to any reservations or easements which may be made by the applicant or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior. The application must be supported with a corporate affidavit relative to spring and water holes on the selected lands, in accordance with existing regulations pertaining thereto (43 CFR 2232.1 - 2232.9). Evidence of citizenship, or of incorporation, must be filed with the application.

Sec. 112.102 Fees and Costs. The applicant shall upon be paid the cost of publishing notice of the exchange. Filing fees must be paid at the application at the rate of $2.50 for each 100 acres, or fraction thereof, of the lands selected. The act provides that no fee shall be charged in applications filed by the State of Oregon or any county thereof, nor does one-half of the cost of publishing notice of the proposed exchange.

Sec. 112.103 Action by Registrar. If the application for exchange appears regular and in conformity with the law and these regulations, the Registrar will assign the current serial number and enter notice of the application on his records. He will transmit the original application and all other papers to the General Land Office with a statement as to the nature of the land including any conflicts, and will forward the duplicate application together with copies of all other papers to the District Forester, Oregon and California Revested Lands Administration, Portland, Oregon.

Sec. 112.107 Report of Chief Forester. On receipt by the United Forester, Oregon and California Revested Lands Administration, of the application and other papers, they shall be given consideration by the Chief Forester or interesting whether the proposed exchange appears desirable from the standpoint of the interests of the Government in carrying into effect the purpose of the Act of August 28, 1937 (50 Stat. 874).

Applications must be accompanied by estimates showing the volume, kind, quality, and value of timber upon each applicable of the lands offered for exchange. Such estimates will be made for examiner by the United Foresters.

If the lands involved are not valuable for timber, then their value and availability for any of the purposes given in the Act of August 28, 1937 (50 Stat. 874), may be taken into consideration as a basis for determining that the lands offered are approximately equal in aggregate value

to the lands sought in exchange. The report of the Chief Forester, as submitted to the Commissioner of the General Land Office, in addition to the foregoing, should show the volume and value of the timber on the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by another; whether the selected lands contain minerals, springs, water holes, or hot or medicinal springs, or any special features which should be considered in acting upon the application; the value of the offered lands for use in determining the amount of the stamp tax required on the deed to the offered lands; whether there are any reasons why the exchange should not be consummated, and such facts as will aid in determination of whether the proposed exchange is in the public interests.

Sec. 115.104 Evidence required. When the report of the Chief Forester has been received and an exchange of approximately equal aggregate values has been established, the Commissioner of the General Land Office, with the approval of the Department, unless he has reason to do otherwise, will direct publication of notice of the contemplated exchange, and will require the applicant, through the Register of the District Land Office, to submit proof of publication of notice, a deed of conveyance of the offered lands duly recorded, and in all cases except as hereinafter provided, an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the party making the conveyance. The abstractor's certificate must show that the lands as conveyed were free from judgments or mortgage liens, pending suits, taxes, tax assessments, or other encumbrances. If such certificate does not cover taxes and tax assessments, the applicant must furnish a certificate by the proper official of the county in which the lands are situated showing that all taxes or assessments levied or assessed against the lands conveyed to the United States, or that could operate as a lien thereon, have been duly paid; whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States. Such abstract must be prepared and authenticated by an abstractor or by an abstract company approved by the General Land Office, in accordance with section 42 of the Mining Regulations of April 11, 1922 (49 L.D. 15, 69), and must show that the title memoranda contained therein are a full, true, and complete abstract of all matters of record or on file in the office of the recorders of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, suits, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the offices of the clerks of courts of record affecting in any manner whatever the title to the lands to be conveyed to the United States.

Where the State is the applicant and the offered lands were acquired by grant from the United States, the State may furnish in lieu of an abstract of title a certificate of the proper State officer showing that the

offered lands have not been sold or encumbered by the State, and a certificate by the Recorder of Deeds or official custodian of the records of transfers of real estate in the proper county that no instrument purporting to convey or in any way encumber title to the offered lands is of record or on file in his office; but in all cases of lands offered by the State which have been held in private ownership and were acquired by the State from such source, including cases where any of the lands offered by the State have been sold by it and title again acquired by it the State will be required to furnish an abstract of title.

See Circ 1616

Sec. 115.105 Publication and posting. The publication notice must give the name and post office address of the applicant, serial number and date of the application, act under which application is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to permit all persons claiming the selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the District Land Office within 45 days from the date of the first publication, together with evidence that a copy of such protest or objection has been served upon the applicant. The cost of publication of the notice must be at the expense of the applicant, unless such applicant is the State of Oregon or any county thereof, in which case each newspaper will collect one-half of the cost of publication from the applicant and submit proper vouchers to the United States for the remainder. The notice must be published once a week for four consecutive weeks in some designated newspaper of general circulation in the county or counties in which are situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which are situated any lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the District Land Office during the required period of publication and the Register shall certify as to the posting. Publication of notice will be directed by the General Land Office in a certain newspaper or newspapers designated by the Commissioner of the General Land Office in instructions to the Register. Proof of publication of notice shall consist of an affidavit by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. The Register shall transmit, by special letter, such evidence of publication to the General Land Office with his report as to whether protests or contests have been filed against the proposed exchange.

Sec. 115.106 Deed of conveyance. The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State, and must contain covenants of general warranty except where the grantee is prohibited by law from executing such a conveyance. The United States of America should be named as the grantee, and such revenue stamps as are required by law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the

See Circ 1616

exchange of certain lands, as authorized by the act of July 31, 1939 (53 Stat. 1144)". Where the deed of conveyance is by a private corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

Sec. 115.107 Taxes. In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant in addition to the certificate above required, relating to taxes and tax assessments, may make a deposit with the Commissioner of the General Land Office of at least twice the amount of the taxes for the preceding year with evidence as to the amount of the taxes for such year, or may furnish a bond with qualified corporate surety for such sum, in order to indemnify the United States against loss for the non-payment of the tax so assessed or levied.

Sec. 115.108 Tax title lands. Where the offered lands have been acquired by the applicant through tax foreclosure proceedings, it must be shown that the foreclosure was a matter of judgment and decree of the proper court; that the sheriff or other proper official has issued a deed based upon the judgment and decree of the court, and that the period of time provided by the laws of the State of Oregon within which to bring action, suit, or proceeding of whatever kind or nature, for the purpose of determining the validity of the sale, has expired. As part of the abstract of title to the offered lands, the applicant shall submit the foreclosure proceedings in full.

Sec. 115.109 Title insurance. Title insurance issued by a company which is acceptable to the General Land Office may be furnished in lieu of an abstract of title, and same accepted upon proof that the insuring company is solvent and properly qualified, provided the policy is free from conditions and stipulations unacceptable to the United States.

Sec. 115.110 Mineral land excepted. Mineral lands may not be selected in exchange proceedings hereunder.

Sec. 115.111 Coos Bay Wagon Road land. An applicant under the exchange act selecting Coos Bay Wagon Road grant lands must offer as base in lieu thereof lands situated in the same county as the lands selected. (See act of May 24, 1939, 53 Stat. 753). The advantageous consolidation of the holdings of lands of the United States, required under the exchange act, may be with either the reconveyed or revested lands, or with both.

Sec. 115.112 Conveyed lands. All lands conveyed to the United States pursuant to the act of July 31, 1939 (53 Stat. 1144), and under these regulations shall, upon acceptance of title, become a part of the revested and reconveyed lands and shall be managed, as a part of such lands, in the manner prescribed by the act of August 28, 1937 (50 Stat. 874).

See Circ 1616

Sec. 115.113 Action by General Land Office. The publication of notice, conveyance, abstract of title, and other evidence required of the applicant will, upon receipt in the General Land Office, be examined, and if found regular and in conformity with the law and the regulations, and if there are no objections, title will be accepted to the offered lands and patent will issue for the lands selected in exchange.

If the report from the Chief Forester discloses inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to bring the proposed exchange within the provisions of the law.

Notices of additional requirements, rejection, or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed by the Rules of Practice. Protests against exchanges should be filed in the district land office and will be transmitted to the General Land Office for consideration and disposal.

If the application for exchange be finally rejected for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the lands conveyed to the United States.

An application for exchange will be noted "suspended" by the Register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and the General Land Office.

Notice shall be given to the Chief Forester of final action taken on applications hereunder.

Regulations amended. The first sentence of Sec. 101.19 of title 43 of the Code of Federal Regulations (Circ. No. 1474, July 8, 1940) is hereby amended to read as follows:

> "Commencing 60 days after the effective date hereof, the originals and copies of all applications to enter or select public lands outside of Alaska, under the non-mineral public land laws, will be transmitted by the Register to the General Land Office for preliminary consideration, except applications for exchanges of the Oregon and California revested railroad grant lands and the Coos Bay Wagon Road grant lands in Oregon, as to which the Registers will follow the procedure set forth in section 115.102."

Regulations superseded. Secs. 115.94 to 115.113, inclusive, supersede secs. 115.1 to 115.14, inclusive, of title 43 of the Code of Federal Regulations (Circ. No. 611, July 17, 1918, 46 L.D. 424, and secs. 4 and 5, Circ. No. 705, June 22, 1920, 47 L.D. 411).

(Sgd) Fred W. Johnson,

Commissioner.

Approved: October 28, 1941.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in Sec. 2, 53 Stat. 1145, Ch. 401.

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